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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Chronological order of ratifications of, and accessions to, the Convention, giving each State's regional group 1/

	Date	State	Regional group
1.	10 December 1982	Fiji	Asian
2.	7 March 1983	Zambia	African
3.	18 March 1983	Mexico	Latin Am./Carib.
4.	21 March 1983	Jamaica	Latin Am./Carib.
5.	18 April 1983	Namibia	African
6.	7 June 1983	Ghana	African
7.	29 July 1983	Bahamas	Latin Am./Carib.
8.	13 August 1983	Belize	Latin Am./Carib.
9.	26 August 1983	Egypt	African
10.	26 March 1984	Côte d'Ivoire	African
11.	8 May 1984	Philippines	Asian
12.	22 May 1984	Gambia	African
13.	15 August 1984	Cuba	Latin Am./Carib.
14.	25 October 1984	Senegal	African
15.	23 January 1985	Sudan	African
16.	27 March 1985	Saint Lucia	Latin Am./Carib.
17.	16 April 1985	Togo	African
18.	24 April 1985	Tunisia	African
19.	30 May 1985	Bahrain	Asian
20.	21 June 1985	Iceland	Western European and Other States
21.	16 July 1985	Mali	African
22.	30 July 1985	Iraq	Asian
23.	6 September 1985	Guinea	African
24.	30 September 1985	United Republic of Tanzania	African
25.	19 November 1985	Cameroon	African
26.	3 February 1986	Indonesia	Asian
27.	25 April 1986	Trinidad and Tobago	Latin Am./Carib.
28.	2 May 1986	Kuwait	Asian
29.	5 May 1986	Yugoslavia	Eastern European
30.	14 August 1986	Nigeria	African
31.	25 August 1986	Guinea-Bissau	African
32.	26 September 1986	Paraguay	Latin Am./Carib.
33.	21 July 1987	Yemen	Asian
34.	10 August 1987	Cape Verde	African
35.	3 November 1987	Sao Tome and Principe	African
36.	12 December 1988	Cyprus	Asian
37.	22 December 1988	Brazil	Latin Am./Carib.
38.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
39.	17 February 1989	Zaire	African
40.	2 March 1989	Kenya	African

	Date	State	Regional group
41.	24 July 1989	Somalia	African
42.	17 August 1989	Oman	Asian
43.	2 May 1990	Botswana	African
44.	9 November 1990	Uganda	African
45.	5 December 1990	Angola	African
46.	25 April 1991	Grenada	Latin Am./Carib.
47.	29 April 1991	*Micronesia (Federated States of)	Asian
48.	9 August 1991	*Marshall Islands	Asian
49.	16 September 1991	Seychelles	African
50.	8 October 1991	Djibouti	African
51.	24 October 1991	Dominica	Latin Am./Carib.

1/ States which have acceded to the Convention are indicated by an asterisk (*).

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Recent national legislation received from Governments

1. BELIZE

An Act to make provision with respect to the Territorial Sea, Internal Waters and the Exclusive Economic Zone of Belize; and for matters connected therewith or incidental thereto of 24 January 1992

Maritime Areas Act
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SCHEDULE

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:

PART I
PRELIMINARY

Short Title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1992;

(2) This Act shall come into operation upon such date as the Minister may by Order published in the Gazette appoint.

Interpretation

2. In this Act:

"baseline" means the baseline from which the breadth of the territorial sea is measured as described in Section 4;

"equidistance line", as between Belize and an adjacent State, means a line every point of which is equidistant from the nearest point of the baseline of the territorial sea and the corresponding baseline of the adjacent State;

"exclusive economic zone" means the exclusive economic zone of Belize as described in Section 6 and, to the extent that Section 7 applies, as delimited pursuant to Section 7;

"foreign vessel" means a vessel that is not registered as a Belizean ship under the Registration of Merchant Ships Act, 1989 (Belize);

"foreign State" means a State other than Belize;

"fringing reefs" means reefs attached directly to, or located in the immediate vicinity of, the coast or any coastal lagoon;

"internal waters" means the internal waters of Belize as described in Section 5;

"island" means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides;

"low-tide elevation" means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides;

"maritime areas of Belize" means the internal waters, the territorial sea, and the exclusive economic zone;

"master", in relation to vessel, means the person for the time being having command or charge of the vessel;

"Minister" means the Minister responsible for foreign affairs;

"nautical mile" means the international nautical mile of 1852 metres;

"resources" includes living and non-living resources;

"territorial sea" means the territorial sea of Belize as described in Section 3;

"the Regulations" means regulations made under this Act.

PART II
MARITIME AREAS OF BELIZE

Territorial sea

3. (1) Subject to sub-sections (2) and (3) of this Section, the territorial sea of Belize comprises those areas of the sea having, as their inner limits, the baseline of the territorial sea and, as their outer limits, a line measured seaward from that baseline, every point of which is 12 nautical miles from the nearest point of that baseline.

(2) Subject to sub-section (3) below, the territorial sea of Belize from the mouth of Sarstoon River to Ranguana Caye comprises those areas of the sea having as their inner limits the baseline of the territorial sea as measured from the features listed in the Schedule to this Act, and as their outer limits, a line measured seaward from that baseline every point of which is 3 nautical miles from the nearest point of that baseline.

(3) (a) For the avoidance of doubt it is hereby declared that the purpose of the limitation of the territorial sea from the mouth of Sarstoon River to Ranguana Caye as described in sub-section (2) above is to provide a framework for the negotiation of a definitive agreement on territorial differences with the Republic of Guatemala.

(b) Any such agreement as is referred to in (a) above shall be put to a referendum by the electors for their approval or otherwise, and if approved by a majority vote, shall form the basis for the final delimitation of the territorial sea in the area of the sea from the mouth of Sarstoon River to Ranguana Caye.

(c) In the event any such agreement fails to receive approval by a majority vote in the referendum, the delimitation of the territorial sea in the said area shall be effected on the basis of international law.

(4) Except as is otherwise provided in sub-sections (2) and (3) above, wherever the equidistance line between Belize and an adjacent State is less than 12 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the territorial sea shall, if possible, be effected by agreement between Belize and the adjacent State; but to the extent that if no such agreement is effected, that equidistance line shall constitute the outer limits of the territorial sea.

Baseline of territorial sea

4. (1) Except as otherwise provided in sub-sections (2), (3) and (4) of this Section, the baseline from which the breadth of the territorial sea adjacent to Belize is measured shall be the low-water line along the coast of the mainland of Belize as well as the coasts of all islands and cayes that form part of Belize.

(2) For the purposes of this Section a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.

(3) (a) The baseline from which the breadth of the territorial sea is measured between Ambergris Caye - SE and Sarstoon River shall consist of the series of loxodromes drawn so as to join successively, in the order in which they are there set out, points situated on the low-water line on or adjacent to the features listed in the Schedule to this Act.

(b) The provisions of sub-section (3) (a) of this Section shall be without prejudice to the operation of paragraphs (1) and (2) of this Section in relation to any island or low-tide elevation which for the purposes of those sub-sections is treated as if it were an island, being an island or low-tide elevation which lies to seaward of the baseline specified in sub-section (3) (a) of this Section.

(4) (a) In the case of the sea adjacent to a coast off which there are fringing reefs, the baseline from which the breadth of the territorial sea is measured shall be the seaward limit of the low-water line of the fringing reefs.

(b) Where there is a break or passage through the fringing reefs referred to in sub-section (4) (a) of this Section, the baseline from which the breadth of the territorial sea is measured shall be a straight line joining the seaward entrance points of that break or passage.

(5) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of any harbour system shall be treated as forming part of the coast, but for that purpose offshore installations and artificial islands shall not be considered as permanent harbour works.

Internal waters

5. The internal waters of Belize comprise any areas of water that are on the landward side of the baseline of the territorial sea.

Exclusive economic zone

6. Subject to Section 7, the exclusive economic zone of Belize comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limits, a line, measured seaward from the baseline of the territorial sea, every point of which is 200 nautical miles distant from the nearest point of that baseline.

Delimitation of exclusive economic zone

7. (1) Wherever the equidistance line between Belize and an adjacent State is less than 200 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the exclusive economic zone shall be effected between Belize and the adjacent State on the basis of international law in order to achieve an equitable settlement.

(2) Pending the delimitation of the exclusive economic zone pursuant to sub-section (1) of this Section, the equidistance line between Belize and the adjacent State shall constitute the outer limits of the exclusive economic zone.

(3) Subject to sub-section (4) of this Section, for the purpose of implementing any agreement under subsection (1) of this Section, the National Assembly may, from time to time, by Resolution supported by a two-thirds majority declare that the exclusive economic zone shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of Section 6, and such resolution, while it remains in force, shall have effect notwithstanding any other provision of this Act.

(4) Any agreement with the Republic of Guatemala made pursuant to sub-section (1) of this Section which provides that:

(a) Belize shall claim less than what it is otherwise entitled to claim under international law; or

(b) the exclusive economic zone of Belize shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of Section 6; or

(c) there shall be joint exploitation or participation within Belize's exclusive economic zone

shall be subject to approval of the electors in a referendum.

PART III
RIGHTS IN RESPECT OF MARITIME AREAS OF BELIZE

Sovereignty in respect of territorial sea

8. The sovereignty in respect of:

(a) the territorial sea;

(b) the airspace over, and the seabed under, that sea; and

(c) the subsoil of that seabed, is vested in Belize, and subject to international law, is exercisable by Belize.

9. Rights in respect of exclusive economic zone

Belize has and may exercise in respect of the exclusive economic zone:

(a) sovereign rights

(i) for the purpose of fishing, navigation with respect to fishing, the exploration for, and exploitation, conservation and management of resources of the waters superjacent to the seabed and of the seabed and subsoil; and

(ii) for the production of energy from the waters, currents and winds;

(b) jurisdiction with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) Maritime scientific research; and

(iii) the protection and preservation of the marine environment;

(c) the right to construct and to authorize and regulate the construction, operation and use of:

(i) artificial islands;

(ii) installations and structures for the purposes provided for under paragraph (a) of this Section or for any other economic purposes;

(iii) installations and structures which may interfere with the exercise by Belize of rights in respect of the exclusive economic zone.

Prohibited activities

10. (1) No person shall:

(a) within the limits of the exclusive economic zone:

(i) explore for or exploit the resources;

(ii) produce energy from the waters, currents or winds;

(iii) conduct any marine scientific research; or

(iv) construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right or purposes referred to in Section 9 (c) (ii), or which may interfere with the exercise of rights referred to in Section 9 (c) (iii); or

(b) within the limits of the territorial sea engage in any of the activities referred to in sub-section (1) (a) of this Section, except when authorized by, under or pursuant to this Act or any other enactment, or in any other lawful manner, to engage in the activity, and in accordance with the authorization.

(2) Any person who contravenes sub-section (1) of this Section is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars.

PART IV
INNOCENT PASSAGE

Interpretation

11. (1) In this Part, unless the context otherwise requires:

"competent authority", in relation to any provision in this Part, means the Minister, and any person, or person belonging to any class or description of persons, designated pursuant to sub-section (2) of this Section for the purposes of that provision;

"designated area of internal waters" means any area of internal waters for the time being designated under subsection (3) of this Section;

"prescribed activity" means:

(a) any threat or use of force against the sovereignty, territorial integrity or political independence of Belize, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(b) any exercise or practice with weapons of any kind;

(c) any act aimed at collecting information to the prejudice of the defence or security of Belize;

(d) any act of propaganda aimed at affecting the defence or security of Belize;

(e) the launching, landing or taking on board of any aircraft or military device;

(f) the loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws;

(g) any wilful act of pollution calculated or likely to cause damage or harm to Belize, its resources or its marine environment;

(h) any fishing activities;

(i) the carrying out of research or survey activities;

(j) any act aimed at interfering with any system of communication or any other facilities or installations of Belize; or

(k) such other activity as may be prescribed.

(2) The Minister may, by Regulation, designate any person, or class or description of persons, for the purposes of any provision of this Part; and the Minister may, in like manner, revoke any such designation.

(3) Where the Minister is satisfied that an area of internal waters enclosed by the baseline enacted in Secton 4 (3) (a) was not considered to be internal waters prior to the commencement of this Act, he may so designnate those waters by Regulation and the Minister, if he ceases to be so satisfied, may, in like manner, revoke the designation of those waters.

(4) Every Regulation made by the Minister under sub-section (3) above shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Innocent passage

12. (1) Every foreign vessel may, subject to and in accordance with this Section and international law, exercise the right under international law of innocent passage, that is to say, the right of passage by navigating through the territorial sea for the purpose of:

(a) traversing the territorial sea without entering internal waters or calling at a roadstead or port facility outside internal waters;

(b) proceeding to or from internal waters or a call at any such roadstead or port facility, where the passage is innocent; or

(c) traversing internal waters, to or from the territorial sea, which had not previously been considered as such, where the passage is innocent.

(2) The passage of a foreign vessel:

(a) is innocent so long as it is not prejudicial to the peace, good order or security of Belize; and

(b) is deemed to be prejudicial to the peace, good order or security of Belize if the vessel, in the territorial sea, engages in any proscribed activity.

(3) In exercising the right of innocent passage, a vessel shall comply with:

(a) generally accepted international regulations, procedures and practices for safety at sea which have effect in the territorial sea, or any part thereof; and

(b) the provisions of the Regulations, and any enactment, order or direction, which have effect in the territorial sea, or any part thereof, for or with respect to:

(i) the safety of navigation and the regulation of maritime traffic, including the use of sea lanes and the operation of traffic separation scheme;

(ii) the protection of navigational aids and facilities, and other facilities or installations;

(iii) the protection of cables and pipelines;

(iv) the conservation of resources;

(v) fishing and fisheries;

(vi) the preservation of the environment and the prevention, reduction and control of pollution;

(vii) marine scientific research and hydrographic surveying;

(viii) controls or prohibitions in relation to customs, excise, immigration or sanitation.

(4) The Minister may, where he is satisfied that it is essential to do so for the protection of the security of Belize, including weapons exercises, by Regulation, suspend, for such period as is specified in the Regulation, the right of innocent passage through the territorial sea, or through any part of the territorial sea identified in the Regulation.

Engaging in proscribed activities prohibited

13. (1) No foreign vessel shall, while in the territorial sea, without the permission of a competent authority given to the master of the vessel, engage in any proscribed activity.

(2) Where a foreign vessel, in contravention of sub-section (1) of this Section, engages in any proscribed activity, the master of the vessel and any other person on board the vessel participating in that activity are each guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars.

(3) No prosecution for an offence against this Section shall be brought against a person who is entitled to State or other immunity recognized by law.

PART V

CHARTS AND GEOGRAPHICAL COORDINATES

Charts of maritime areas

14. The Minister shall cause to be prepared such charts and/or lists of geographical coordinates as he thinks fit showing all or any of the following matters, namely:

(a) the maritime areas of Belize or any part thereof;

(b) the baseline of the territorial sea;

(c) the outer limits of the exclusive economic zone; or

(d) sea lanes or traffic separation schemes.

Evidence of charts

15. A document purporting to be certified by the Minister or by a person designated by him for this purpose to be a true copy of a chart or list of geographical coordinates prepared pursuant to Section 14, shall be received in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

Publicity with respect to charts

16. The Minister shall cause:

(a) due publicity to be given to charts or lists of geographical coordinates prepared pursuant to Section 14; and

(b) a copy of each such chart or list of geographical coordinates to be deposited with the Secretary-General of the United Nations.

PART VI
JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

17. (1) Notwithstanding any other law, rule or regulation to the contrary the jurisdiction and powers of the courts of Belize extend to the maritime areas of Belize for the purpose of:

(a) this Act or any regulation made thereunder; and

(b) any enactment which applies or is applied pursuant to Section 23 to maritime areas of Belize, or any part thereof.

(2) For the purposes of the exercise of any jurisdiction and powers pursuant to sub-section (1) of this Section, a court is a court of competent jurisdiction:

(a) for the purpose of any criminal proceedings, if it would have cognisance of the offence concerned if it had been committed within the limits of its ordinary criminal jurisdiction; and

(b) for the purposes of any proceedings, other than criminal proceedings, if it would have jurisdiction if the act, omission or other matter giving rise to the proceedings had occurred or arisen within the limits of its ordinary jurisdiction.

(3) The Minister, after consultation with the Attorney-General, may make rules for carryiny out or giving effect to this Solution.

(4) The jurisdiction and powers conferred by this Section are in addition to and not in derogation of any other jurisdiction or powers exercisable by a Court of Belize.

Apprehension of certain offenders

18. (1) Subject to this Section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against Section 10, he may exercise all or any of the following powers, namely:

(a) within the maritime areas of Belize, stop, board, inspect and search any vessel, or enter, inspect and search any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;

(b) arrest, with or without a warrant, any person on board the vessel, or on the installation, referred to in sub-section (1) (a) of this Section or found elsewhere in Belize, whom he has reasonable cause to believe has committed an offence against that Section;

(c) detain the vessel, referred to in sub-section (1) (a) of this Section if he has reasonable cause to believe that an offence against that Section has been committed by the owner or master of the vessel; and

(d) enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that Section and arrest, with or without a warrant, any person on the installation, or found elsewhere in Belize, whom he has reasonable cause to believe has committed the offence.

(2) Subject to this Section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against Section 13, he may, within the territorial sea, exercise all or any of the following powers, namely:

(a) stop, board, inspect and search the foreign vessel which, in contravention of that Section, engages in any proscribed activity;

(b) arrest, with or without a warrant, the master of the vessel;

(c) arrest, with or without a warrant, any other person on board the vessel whom he has reasonable cause to believe has committed an offence against that Section; and

(d) detain the vessel.

(3) An authorized person may exercise any of the powers conferred on him by sub-sections (1) and (2) of this Section with the aid of such assistants as he considers necessary for the purpose.

(4) Where a vessel is detained pursuant to subsection (1) (c) or sub-section (2) (d) of this Section, it shall be held in the custody of the Government until:

(a) a decision is made not to bring a prosecution in respect of the alleged offence in relation to which the vessel was detained; or

(b) where a decision is made to bring such a prosecution, the security required under sub-section (6) of this Section is given in respect of the vessel.

(5) The decision whether or not to bring a prosecution in respect of an alleged offence in relation to which a vessel is detained shall be made with all due expedition.

(6) The security required in respect of any vessel for the purposes of sub-section (4) of this Section shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order.

(7) The power under sub-section (1) or (2) of this Section shall not be exercised in relation to a vessel that is, or in relation to a person who is, entitled to State or other immunity recognized by law.

(8) The powers and rights under this Section are in addition to and not in derogation of any other powers and rights which Belize may have under international law or otherwise.

(9) In the exercise under this Section of the power of enforcement against a foreign vessel, an authorized person shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

(10) In this Section:

"authorized person" means a person, or person belonging to a class or description of persons, designated for the purposes of this Section by the Minister by Regulation made under this Section and published in the Gazette;

"owner", in relation to any vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer or sub-charterer of the vessel.

Arrest on board foreign vessel in territorial sea

19. (1) Subject to this Section, where an offence is committed on board a foreign vessel (being a merchant ship or government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised, in relation to the offence, on board the vessel during that passage, only if:

(a) the consequences of the offence extend to Belize;

(b) the offence is of a kind likely to disturb the peace of Belize or the good order of the territorial sea;

(c) the assistance of the Government or any public officer has been requested by the master of the foreign vessel or by a diplomatic agent or consular officer of the relevant foreign State; or

(d) it is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances, or weapons.

(2) The limitations in sub-section (1) of this Section shall not apply in any case where a foreign vessel is passing through the territorial sea after leaving internal waters.

(3) Subject to this Section, where a foreign vessel proceeding from a port outside Belize is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised, in relation to any offence commmitted before the ship entered the territorial sea, on board the ship during that passage only if:

(a) there are grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:

(i) applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or

(ii) any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and

(b) there:

(i) are clear grounds for believing that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or

(ii) is clear evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline or barrier reef of Belize, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this Section shall affect the exercise of any power under Section 18.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in sub-sections (1) or (3) of this Section shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in sub-section (8) (a) of this Section shall not be exercised in relation to a vessel unless the vessel has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in sub-section (3) (a) of this Section has occurred.

(7) The prescribed power referred to in sub-section (8) (a) of this Section shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Belize, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the vessel.

(8) For the purposes of this Section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:

(a) for the purposes of sub-section (3) (b) (i) of this Section, includes a power to undertake a physical inspection of a vessel for matters relating to a violation of the kind referred to in sub-section (3) (a) of this Section; and

(b) for the purposes of sub-section (3) (b) (i) of this Section, includes a power to detain a vessel.

Certificate of Minister

20. Where, in any criminal proceedings, a question of arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea or the exclusive economic zone, a certificate, purporting to be signed by the Minister, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

Civil jurisdiction

21. (1) All questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the limits of the exclusive economic zone in connection with:

(a) the exploration for or exploitation of resources;

(b) the conduct of any research activities;

(c) the establishment, construction, operation or use of any artificial islands, installation or structure;

(d) the laying of cables or pipelines; or

(e) the production of energy from the waters, currents or winds,

may be dealt with by a court of competent jurisdiction.

(2) Sub-section (1) of this Section shall not affect the validity of any agreement to submit a dispute to arbitration by any person outside Belize.

(3) The jurisdiction conferred by this Section is in addition to and not in derogation of any other jurisdiction exercisable by a court in Belize.

Civil jurisdiction in relation to foreign vessels in territorial sea

22. (1) No foreign vessel passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the vessel.

(2) Subject to sub-section (3) of this Section, no person shall arrest or levy execution against a foreign vessel passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the vessel in the course or for the purpose of its voyage through the territorial sea.

(3) Sub-section (2) of this Section, in so far as it prohibits the arrest of, or levying of execution against, a foreign vessel, shall not apply in the case of a foreign vessel which is lying in or passing through the territorial sea after leaving internal waters.

Application of enactments to maritime area

23. (1) The Minister may, by regulations made under Section 24, extend to the maritime areas of Belize, or any part thereof, the application of any enactment, subject to:

(a) the limitations (if any); and

(b) modifications (if any) to facilitate the application or enforcement of the enactment, as may be prescribed in the regulations, and the enactment shall apply accordingly.

(2) The power under sub-section (1) of this Section includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under Section 9.

PART VII
MISCELLANEOUS

Regulations

24. (1) The Minister may make regulations for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the foregoing, regulations may be made with respect to the territorial sea for all or any of the following purposes, namely:

(a) regulating the conduct of scientific research and hydrographic surveying within the territorial sea;

(b) prescribing measures for the protection and preservation of the marine environment of the territorial sea;

(c) regulating, for the purposes of Section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations, and structures;

(d) regulating the exploration and exploitation of the territorial sea for the production of energy from the water, current, and winds, and for any other economic purposes;

(e) providing for such other matters as are necessary or expedient for giving full effect to the sovereignty of Belize in relation to the territorial sea; and

(f) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III or IV of this Act.

(3) Without prejudice to the generality of subsection (1), regulations may be made with respect to the exclusive economic zone for all or any of the following purposes, namely:

(a) regulating the conduct of scientific research within the exclusive economic zone;

(b) prescribing measures for the protection and preservation of the marine environment of that zone;

(c) regulating, for the purposes of Section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within that zone, including the establishment of safety zones around but not exceeding 500 metres' distance from, such islands, installations and structures;

(d) regulating the exploration and exploitation of that zone for economic purposes;

(e) regulating the exploration and exploitation of that zone for the production of energy from the water, currents, and winds;

(f) providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights and jurisdiction of Belize in relation to that zone; and

(g) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III or IV of this Act.

(4) Regulations may be made with respect to the investigation and institution of proceedings in respect of any discharge from a vessel outside the maritime areas of Belize in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

(5) The regulations may provide that a breach of any of the regulations shall be a criminal offence, and may provide for the imposition of a penalty (not exceeding twenty thousand dollars) for any such offence.

(6) The power under this Section to make regulations may be exercised:

(a) either in relation to all of the cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or class or description of cases; and

(b) so as to make, with respect to all cases in relation to which it is exercised:

(i) the same provision for all those cases, or different provisions for different cases or classes or description of cases, or different provisions with respect to the same case or class or description of cases for different purposes of this Act; or

(ii) any such provision either unconditionally or subject to any specified condition.

(7) Any regulation made pursuant to this Section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Provisions of this Act to apply notwithstanding other laws

25. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, rule or regulation.

Printed in Belize by the Government Printery

SCHEDULE

(Sections 3 & 4)

Features between Ambergris Caye - SE and Sarstoon River

Ambergris Caye - SE
Mauger Caye
Sandbore Caye
Half-Moon Caye
North-East Caye
Silk Cayes
Black Rock
Nicholas Caye
Hunting Caye
Ragged Caye
East Snake Caye
South Snake Caye
Moho Caye
Stuart Caye
Rio Grande - South Entrance
Orange Point
Mother Point
Sarstoon River

Letter dated 22 April 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belize to the United Nations addressed to the Secretary-General

[Original: English]

I am attaching herewith a copy of relevant extracts of a statement delivered by the Minister for Foreign Affairs of Belize on Friday, 3 April 1992, on the occassion of the establishment of the National Advisory Commission on the negotiations between Belize and Guatemala (see annex).

I should be grateful if you have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 36 of the preliminary list, and of the Security Council of the United Nations.

(Signed) Amalia MAI
Chargé d'affaires

1/ See General Assembly/Security Council document A/47/173-S/23837 of 24 April 1992.

ANNEX

Statement by the Minister for Foreign Affairs of Belize, delivered on 3 April 1992

On 17 January 1992, the House of Representatives passed the Maritime Areas Act, which became law on 24 January 1992 when it was signed by the Governor General, after its passage by the Senate.

The Act makes provision for the territorial sea, internal waters and exclusive economic zone of Belize. In this Act, Belize for the first time exercises its legal right under international law to claim a territorial sea of twelve miles. This does for most of its coastline, but in the southern area between Ranguana Caye and the mouth of the Sarstoon River the historic three miles of territorial sea is maintained.

The law makes it clear, however, that Belize is not giving up its right to claim that area of sea in the south between the outer limit of the territorial sea as presently declared and the median line between Belize's baseline and those of adjacent States as its territorial sea. For the moment, however, Belize is declaring that area as part of its exclusive economic zone, to the exclusion of any other State. The maritime boundary between Belize and Guatemala and between Belize and Honduras, therefore, remains the aforesaid median line.

The Maritime Areas Act explicitly states that the purpose of maintaining the three mile territorial sea in the aforesaid area is "to provide a framework for the negotiation of a definitive agreement on territorial differences with the Republic of Guatemala". This is in the context of Guatemala's recognition, on 5 September 1991, of the independent State of Belize - an unconditional and irrevocable act by which Guatemala acknowledged Belize's frontiers as defined in our Constitution. By necessary implication, Guatemala also agreed to respect the sovereignty and territorial integrity of Belize in accordance with international law and the Charter of the United Nations.

The Belize Constitution, however, does not define the limits of Belize's territorial sea; this is left for the legislature to enact. It had not done so yet, however, because of the fact that if Belize were to claim all the territorial seas it has a right to in the south, it would require Guatemala to pass through Belize's territorial seas to get to the high seas, whereas it has been accustomed to doing so without entering Belize's traditional three-mile territorial sea. Belize has long since declared its willingness to negotiate an agreement to accord Guatemala such territorial seas as are necessary to provide her with unimpeded access to the high seas, and it refrained from defining its territorial sea pending an agreement.

After Guatemala took the bold move of recognizing Belize, however, the National Assembly of Belize, as an act of good faith indicating its willingness to pursue such negotiations to a successful conclusion, passed the Maritime Areas Act. It is made clear, however, that the three mile limit in the area indicated is a temporary measure that merely restricts the negotiations to that area, and the Act explicitly states that any agreement emerging from the negotiations must first be put to a referendum in Belize.

If a majority of electors approve it, that shall form the basis for the final delimitation of the territorial sea in the area indicated. If such an agreement is not approved by a referendum, then "the delimitation of the territorial sea in the said area shall be effected on the basis of international law." In either case, the Act will be amended accordingly.

It is encouraging to put on record the fact that for some time now relations between Belize and Guatemala have been typified by respect and understanding, particularly after diplomatic relations were established between our two countries on 11 September 1991. An incident that occurred in early February demonstrates the quality of this new relationship. After an advertisement appeared in an oil magazine published in Texas, inviting tenders for exploration in certain areas and the accompanying map showed an area which Belize has claimed as its exclusive economic zone under the aforementioned Act, I sought clarification from the Guatemalan Government. Guatemala's Foreign Minister, Gonzalo Menendez Park, wrote me a letter the following day, 13 February 1992, indicating that the Ministry of External Affairs had not been consulted regarding the description of the area, that it was an involuntary error and that this area would not be allotted to any tenderer. He further assured me that the next tender notice due to be published in June would only contain areas already duly delimited so as not to give rise to any misinterpretations.

This response makes it clear to the Government of Belize that the Guatemalan Government understands and accepts the effect of the Maritime Areas Act, i.e. that by it Belize does not abandon its right to claim the affected area as its territorial sea, but merely reserves it for negotiation, and in the meanwhile its status is that it is part of Belize's exclusive economic zone.

With regard to adjacent States, as well as to all States of the world, therefore, the situation of the affected area is that Belize has declared that area as part of Belize's exclusive economic zone.

With this clear understanding it is possible to proceed to negotiations, which will hopefully lead, within a reasonable time, to mutually acceptable agreements that will enable Guatemala to formally drop its claim with regard to Belize and allow our two countries to enjoy the friendly and respectful relations that both our peoples have long desired.

2. CHINA

Law on the Territorial Sea and the Contiguous Zone of 25 February 1992 [1]

The Law on the Territorial Sea and the Contiguous Zone of the People's Republic of China, adopted at the 24th meeting of the Standing Committee of the National People's Congress on 25 February 1992.

Article 1

This law is formulated in order to enable the People's Republic of China (PRC) to exercise its sovereignty over its territorial sea and its rights to exercise control over its contiguous zone, and to safeguard State security as well as its maritime rights and interests.

Article 2

The PRC's territorial sea refers to the waters adjacent to its territorial land.

The PRC's territorial land includes the mainland and its offshore islands, Taiwan and the various affiliated islands including Diaoyu Island, Penghu Islands, Dongsha Islands, Xisha Islands, Nansha (Spratly) Islands and other islands that belong to the People's Republic of China.

The PRC's internal waters refer to the waters along the baseline of the territorial sea facing the land.

Article 3

The extent of the PRC's territorial sea measures 12 nautical miles from the baseline of the territorial sea. The PRC's baseline of the territorial sea is designated with the method of straight baselines, formed by joining the various base points with straight lines.

The outer limit of the PRC's territorial sea refers to the line, every point of which is at a distance of 12 nautical miles from the nearest point of the baseline of the territorial sea.

Article 4

The PRC's contiguous zone refers to the waters that are outside of, but adjacent to, its territorial sea. The extent of the contiguous zone has a width of 12 nautical miles.

The outer limit of the PRC's contiguous zone is a line, every point of which has a nearest distance of 24 nautical miles from the baseline from which the territorial sea is measured.

1/ International Affairs, FBIS-CHI-92-040, 28 February 1992.

Article 5

The People's Republic of China exercises sovereignty over its territorial sea and the airspace over the territorial sea, as well as its seabed and subsoil.

Article 6

Non-military foreign ships enjoy the right of innocent passage through the territorial sea of the People's Republic of China according to law.

To enter the territorial sea of the People's Republic of China, foreign military ships must obtain permission from the Government of the People's Republic of China.

Article 7

While passing through the territorial sea of the People's Republic of China, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flags.

Article 8

While passing through the territorial sea of the People's Republic of China, foreign ships shall abide by the laws and regulations of the People's Republic of China and shall not impair the peace, security and good order of the People's Republic of China.

Foreign nuclear-powered ships and other ships carrying nuclear, toxic or other dangerous substances must carry certain documents and observe special precautionary measures when they pass through the territorial sea of the People's Republic of China.

The Government of the People's Republic of China has the right to adopt all necessary measures to prevent and stop the passage of a ship which is not innocent through its territorial sea.

Foreign ships which violate the laws and regulations of the People's Republic of China shall be dealt with according to law by relevant departments of the People's Republic of China.

Article 9

To ensure the safety of navigation and satisfy other requirements, the Government of the People's Republic of China may require foreign ships passing through its territorial sea to use the designated sea lane or prescribed traffic separation scheme. Concrete methods should be issued by the Government of the People's Republic of China or its relevant responsible departments.

Article 10

The relevant responsible organs of the People's Republic of China shall have the right to order an immediate eviction of foreign military ships or ships owned by foreign Governments and operated for non-commercial purposes that violate the laws or regulations of the People's Republic of China while passing through the territorial sea of the People's Republic of China. Losses or damage caused shall be borne by the nations whose flag is being flown by the ship in question.

Article 11

Any international, foreign organization, or individual who intends to conduct activities connected with scientific research or marine survey shall first seek the consent of the People's Republic of China or its relevant responsible departments and abide by the laws and regulations of the People's Republic of China.

Whoever is found illegally entering the territorial sea of the People's Republic of China to conduct activities connected with scientific research or marine survey in violation of the preceding provisions shall be dealt with by the relevant organs of the People's Republic of China according to law.

Article 12

Foreign aircraft may not enter the air above the territorial sea of the People's Republic of China unless they do so in accordance with agreements or accords which the Governments of their countries have signed with the Government of the People's Republic of China, or they have been approved or accepted by the Government of the People's Republic of China or organs it has authorized.

Article 13

The People's Republic of China has the authority to exercise powers within its contiguous zone for the purpose of preventing or punishing infringement of its security, customs, fiscal sanitary laws and regulations or entry-exit control within its land territories, internal waters or territorial sea.

Article 14

When competent authorities of the People's Republic of China have good reasons to believe that a foreign ship has violated the laws and regulations of the People's Republic of China, they may exercise the right of hot pursuit.

The hot pursuit commences when the foreign ship, or one of its small boats, or other craft working as a team and using the ship pursued as a mother ship is within the limits of the internal waters, territorial sea or contiguous zone of the People's Republic of China.

If the foreign ships are in the contiguous zone of the People's Republic of China, the hot pursuit may proceed only when the rights of the relevant laws and regulations set forth in article 13 above have been violated.

As long as the hot pursuit is not interrupted, it may continue outside the territorial sea of the People's Republic of China or the contiguous zone. The hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third country.

The right of hot pursuit in this article is exercised by warships or military aircraft of the People's Republic of China, or by ships or aircraft authorized by the Government of the People's Republic of China to that effect.

Article 15

The baseline of the territorial sea of the People's Republic of China shall be established by the Government of the People's Republic of China.

Article 16

The Government of the People's Republic of China shall draw up relevant regulations in accordance with this law.

Article 17

This law becomes effective upon promulgation.

3. JAMAICA

Act 33 of 1991 entitled "The Exclusive Economic Zone Act, 1991" [1]

Arrangement of Sections

1. Short title.
2. Interpretation
3. Establishment of Zone.
4. Rights in and jurisdiction over Zone.
5. Rights and duties of other States in Zone.
6. Exploration for and exploitation of living resources of the Zone.
7. Exploration for and exploitation of non-living resources of the Zone.
8. Grant of licence for exploration for or exploitation of living or non-living resources of the Zone.
9. Application of enactments to Zone.
10. Extension of jurisdiction of the Courts and any other authority to Zone.
11. Minister may make order regarding issue or revocation of licence.
12. Person prejudiced by order of forfeiture may apply to Court for revocation.
13. Powers and duties of Marine Officers.
14. Procedure consequent on detention or seizure in the Zone.
15. Diplomatic or consular officer to be informed regarding seizure of vessel.
16. Provision regarding proceeds of sale and compensation.
17. Proceedings against the Crown, Marine Officer or person acting in his aid.
18. Offences committed within the Zone.
19. Other indictable offences.
20. Minister may amend Schedule.
21. Regulations.
22. Modification of laws.

SCHEDULE.

APPENDIX.

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[1] The Jamaica *Gazette* Extraordinary, vol. CXIV, No. 71, Tuesday, 31 December 1991.

A BILL

Entitled

AN ACT to Establish beyond the territorial sea a Zone to be known as the Exclusive Economic Zone and to provide for matters incidental thereto or connected therewith.

[ ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:

Preliminary

1. This Act may be cited as the Exclusive Economic Zone Act, 1991.

Interpretation

2. In this Act:

"Convention" means the United Nations Convention on the Law of the Sea signed in Montego Bay on the 15th day of December, 1982;

"fish" means any aquatic animal whether piscine or not and includes shellfish, turtle, mollusc, crustacean, coral, sponge, enchinoderms, their young and their eggs;

"living resources" includes fish and all other forms of aquatic life;

"Marine Officer" means any officer employed to the Customs and Excise Department, any game warden approved as such under the Wild Life Protection Act, any member or officer of the Jamaica Constabulary Force, any member or officer of the Jamaica Defence Force or any public officer designated a Fishery Inspector under the Fishing Industry Act and any other public officer designated a Marine Officer by the Minister;

Schedule

"scheduled enactment" means:

(a) an enactment specified in the Schedule; or

(b) regulations made under an enactment so specified,

containing provisions regulating an activity which, for the time being having regard to the circumstances of the case, is required to be authorized by licence;

"vessel" includes any canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with inboard or outboard motor or any other sea-going vessel, whether surface craft or submarine;

"Zone" means the Exclusive Economic Zone established under section 3.

Establishment of Zone

3. (1) There is established beyond and adjacent to the territorial sea of Jamaica a Zone to be known as the Exclusive Economic Zone.

(2) The Zone shall have as its inner limit the boundary line of the seaward limit of the territorial sea and, subject to subsection (3), as its outer limit a boundary line which is at every point a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(3) Where the outer limit referred to in subsection (2) intersects the outer limit of the exclusive economic zone of any other State whose coasts are opposite or adjacent to Jamaica, delimitation of the boundaries of the Zone for Jamaica and that State shall be effected by agreement on the basis of international law as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

Rights in and jurisdiction over Zone

4. In the Zone there is vested in the Crown:

(a) sovereign rights in respect of:

(i) the exploration, exploitation, conservation, protection and management of the natural resources, whether living or non-living, of the waters superjacent to the seabed, and of the seabed and its subsoil;

(ii) all other activities for the economic exploitation and exploration of the Zone, including the production of energy from the water, currents and winds;

(b) exclusive rights and jurisdiction in respect of the authorization and regulation of the construction, operation, maintenance and use of artificial islands, installations and structures;

(c) jurisdiction in respect of:

(i) the authorization, regulation and control of scientific research and the recovery of archaeological or historical objects;

(ii) the preservation and protection of the marine environment and the prevention and control of marine pollution; and

(d) all other rights and jurisdiction as are recognized by the Convention or by international law.

Rights and duties of other States in Zone

5. Subject to the provisions of this Act, all States have in the Zone the rights and duties of States as specified in the Convention with respect to the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to such freedoms.

Exploration for and exploitation of living resources of the Zone

6. (1) No person shall within the Zone explore for or exploit any living resources thereof except, subject to section 11, under and in accordance with a licence granted pursuant to the relevant scheduled enactment.

(2) No person shall use any vessel to explore for or exploit any living resources of the Zone unless, subject to section 11, there is, in relation to that vessel, a licence granted pursuant to the relevant scheduled enactment.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable:

(a) on summary conviction in a Resident Magistrate's Court to a fine not exceeding fifty thousand dollars; and

(b) on conviction on indictment in a Circuit Court to a fine not exceeding two hundred and fifty thousand dollars, and in the case of a second or subsequent offence to a fine not exceeding five hundred thousand dollars,

and in addition, either such Court may order the forfeiture of any vessel, equipment or other device used in committing the offence.

Exploration for and exploitation of non-living resources of the Zone

7. (1) No person shall within the Zone, except, subject to section 11, under and in accordance with a licence granted pursuant to the relevant scheduled enactment:

(a) explore for or exploit any non-living resources thereof;

(b) carry out any search, excavation or any activity relating to the recovery of archaeological or historical objects;

(c) conduct any research; or

(d) carry out any economic activity.

(2) No person shall use any vessel to explore for or exploit any non-living resources of the Zone unless, subject to section 11, there is in relation to that vessel a licence granted pursuant to the relevant scheduled enactment.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction on indictment in a Circuit Court:

(a) in the case of an individual:

(i) to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment;

(ii) in respect of a second or subsequent offence to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment,

and, where the offence is a continuing one to a further fine of twenty-five thousand dollars per day for each day on which the offence continues after conviction;

(b) in the case of a body corporate:

(i) to a fine not exceeding five hundred thousand dollars;

(ii) in respect of a second or subsequent offence to a fine not exceeding one million dollars and, where the offence is a continuing one to a further fine of fifty thousand dollars per day for each day on which the offence continues after conviction,

and, in addition the Court may order the forfeiture of any vessel, equipment or other device used in committing the offence.

(4) Any person who contravenes subsection (2) commits an offence and is liable:

(a) on summary conviction in a Resident Magistrate's Court:

(i) in the case of an individual to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; and

(ii) in the case of a body corporate, to a fine not exceeding seventy-five thousand dollars; and

(b) on conviction on indictment in a Circuit Court:

(i) in the case of an individual to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; and

(ii) in the case of a body corporate, to a fine not exceeding five hundred thousand dollars;

and, in addition, either such Court may order the forfeiture of the vessel.

Grant of licence for exploration for or exploitation of living or non-living resources of the Zone

8. (1) Subject to section 11, licences for the exploration for or exploitation of the living or non-living resources of the Zone shall be granted in accordance with provisions relating to the grant of licences contained in the relevant scheduled enactment and for that purpose the jurisdiction of any person or authority under the scheduled enactments shall extend to the Zone in like manner as if:

(a) the Zone constituted a part of the territorial sea of Jamaica; and

(b) any reference to Jamaica or this Island or any land in Jamaica included (other than for purpose of delineating the Zone) any artificial island, installation or structure established in the Zone.

(2) The penalties provided in this Act in relation to the exploration for or exploitation of living or non-living resources of the Zone without a licence shall, notwithstanding anything contained in the scheduled enactments, have effect in lieu of any corresponding penalties in those enactments.

(3) Fees prescribed by regulations made under this Act for applications for licence to explore for or exploit any living or non-living resources of the zone shall, notwithstanding anything contained in the scheduled enactments, have effect in lieu of any corresponding fees in those enactments.

Application of enactments to Zone

9. (1) The Minister may by order published in the Gazette extend the application of any enactment, with such exceptions and modifications as may be specified in the order, to the Zone or any part thereof; and an enactment so extended shall have effect in relation to the Zone as if that enactment had been enacted in this Act.

(2) An order under subsection (1) shall be subject to negative resolution.

Extension of jurisdiction of the Courts and any other authority to Zone

10. For the purpose of giving effect to this Act the jurisdiction and powers of the Courts of Jamaica and officers thereof and of any constable or other person authorized to perform the duties of a constable shall extend to the Zone in like manner as if the Zone constituted a part of the territorial sea of Jamaica.

Minister may make order regarding issue or revocation of licence

11. (1) Where the Minister thinks fit he may, by order published in the Gazette, provide that any licence applicable to or within the Zone:

(a) shall not be issued without his concurrence; and

(b) shall only be issued or revoked in such circumstances and subject to such conditions as may be specified in the order.

(2) An order under subsection (1) shall make provision for the appointment of an advisory committee to advise the Minister in relation to licences affecting the Zone.

Person prejudiced by order of forfeiture may apply to Court for revocation

12. (1) Where under subsection (3) of section 6 or subsection (3) or (4) of section 7 a Court makes an order for the forfeiture of a vessel and any person is prejudiced by the making of that order, that person may make an application to that Court for the revocation of the order and, if the Court is satisfied that it is just so to do, the Court may, upon such terms and conditions, if any, as it thinks fit, revoke the order.

(2) An application under subsection (1) shall be made within three months of the date of the order, so, however, that where the applicant satisfies the Court that, in the special circumstances of the case, it was not reasonably practicable for him to make such application within the period of three months, the time (whether expired or not) for making that application may be extended by the Court as it thinks fit.

Powers and duties of Marine Officers

13. (1) A Marine Officer shall have, in the Zone, power to:

(a) board any vessel which he has reasonable cause to suspect is engaged in the exploration or exploitation of living or non-living resources and to search such vessel, fish, fishing gear or any other equipment on board thereof;

(b) require the master or person in charge of such vessel to produce his licence;

(c) require the master or person in charge of such vessel to produce the licence for such vessel;

(d) require the master or person in charge of such vessel to give an explanation concerning the activities of such vessel or any person on board such vessel;

(e) do all such other acts as he is authorized or required to do by this Act or by any regulations made thereunder.

(2) A Marine Officer may, within the Zone, with or without a warrant:

(a) seize any vessel, net, gear, tackle or other equipment which is being used by any person in committing an offence against this Act; or

(b) where, in respect of any vessel, he reasonably suspects that an offence has been committed against this Act:

(i) seize any cargo on the vessel; and

(ii) detain the master or person in charge of the vessel.

(3) Where a vessel, net, gear, tackle or other equipment is seized or a person detained under subsection (2), a Marine Officer shall, as soon as practicable thereafter, take all reasonable measures to ensure that the vessel, net, gear, tackle or other equipment is taken to the nearest convenient port and that the person detained is brought before a Resident Magistrate to answer a charge in connection with the offence that gave rise to the seizure or detention.

(4) A Marine Officer shall take all reasonable steps to ensure that any cargo seized is kept in good condition, so, however, that the Marine Officer may, if he thinks it necessary, dispose of any cargo in order to avoid spoilage of that cargo.

(5) Where a Marine Officer seized cargo, which at the time of seizure is spoilt, he shall, as soon as is convenient thereafter, dispose of the spoilt cargo.

(6) Where a Marine Officer disposes of cargo pursuant to subsection (4) or subsection (5) he shall issue a receipt to the master or person in charge of the vessel and the receipt shall state the date of disposal, the quantity and condition of cargo disposed of and the amount, if any, realized.

(7) A Marine Officer shall while on duty in the capacity of a Marine Officer have, exercise and enjoy all the powers, authority, privileges and immunities of a Constable under the Constabulary Force Act.

Procedure consequent on detention or seizure in the Zone

14. (1) Where a vessel is seized or a person detained under subsection (2) of section 13, then:

(a) in the case of a vessel which is not registered in Jamaica or of a person who is not a citizen of Jamaica, a Resident Magistrate shall determine, pending hearing of the charge, the amount of security (whether by way of bond or otherwise) to be given for the release of the vessel or person and on the giving of such security the vessel or person shall be released;

(b) in the case of a vessel which is registered in Jamaica or a person who is a citizen of Jamaica, the Court shall determine, pending hearing of the charge, whether the vessel or person ought to be released and, if released, the amount of security to be given for such release.

(2) Where under subsection (2) of section 13 a vessel, net, gear, tackle or other equipment or any cargo is seized, then:

(a) if the item seized has not been claimed within a period of thirty days of such seizure, a Resident Magistrate may order the forfeiture of that item; and

(b) upon the conviction of any person who permitted the use of, or is in charge of, any such item, the Court may, upon the application of the prosecution, order the forfeiture of any such item, if the Court is satisfied that:

(i) the item was used in the commission of the offence or was otherwise connected with the offence; and

(ii) the circumstances of the case are such that it is just so to order.

(3) Where a person is brought before a Resident Magistrate pursuant to subsection (3) of section 13 to answer a charge and is acquitted of the charge:

(a) any item seized in connection with the alleged offence and not forfeited pursuant to subsection (2) (a) of this section shall be returned to him; and

(b) if any cargo which was in his possession at the time of detention has been disposed of pursuant to subsection (4) of section 13, the Resident Magistrate may order that he be paid compensation therefor in such amount as the Resident Magistrate considers just.

Diplomatic or consular officer to be informed regarding seizure of vessel

15. (1) Where any vessel which is not registered in Jamaica has been seized within the Zone by a Marine Officer, the Marine Officer making such seizure shall inform the appropriate authority of such seizure; and the appropriate authority shall ensure that a diplomatic or consular representative of the State of registration of the vessel is informed of such seizure and of the penalties, if any, imposed on such vessel and its occupants.

(2) In subsection (1) "appropriate authority" means the Minister responsible for foreign affairs or such other person as he may designate.

Provision regarding proceeds of sale and compensation

16. The proceeds of sale of any cargo disposed of under subsection (4) or subsection (5) of section 13 shall be paid into Court for credit to the Consolidated Fund, and if, in relation thereto, compensation is payable under paragraph (b) of subsection (3) of section 14 payment thereof shall be made by the Accountant-General.

Proceedings against the Crown, Marine Officer or person acting in his aid

17. In any action or other legal proceedings brought against the Crown or any Marine Officer or person acting in his aid in respect of any act done in pursuance or execution or intended execution of this Act or the regulations the plaintiff shall not recover unless he alleges in his pleading and proves at the trial that such act was done either maliciously or without reasonable or probable cause.

Offences committed within the Zone

18. (1) Any person who:

(a) refuses, neglects or fails to comply with any direction given to him by a Marine Officer for the purposes of this Act;

(b) subject to subsection (2), refuses or fails to produce any licence under this Act which he is required by a Marine Officer to produce;

(c) refuses, without reasonable cause, to give any explanation which he is required by a Marine Officer to give for the purposes of this Act;

(d) assaults or obstructs any Marine Officer in the execution of his duty; or

(e) removes, alters or interferes with any article seized under section 13 without the authority of a Marine Officer,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Where under subsection (1) (b) a person is unable to produce to a Marine Officer a licence when so required but is able to satisfy the Marine Officer by other means as to his name, address and identity, the Marine Officer may, if otherwise satisfied as to the credentials of that person, permit him to produce such licence in person within five days thereafter at such place as may be specified by the Marine Officer at the time its production was required, and if the licence is so produced that person shall not be convicted of an offence under that subsection.

Other indictable offences

19. (1) An act:

(a) committed in the Zone by a person, whether he is or is not a citizen of Jamaica; and

(b) being of such a description as would, if committed on land in Jamaica, be punishable on indictment, is an offence punishable on indictment in Jamaica in like manner, notwithstanding that it may have been committed on board, or by means of, a vessel the nationality or registration of which is not Jamaican, and the person who is reasonably suspected of having committed such offence may be arrested and may be tried or otherwise dealt with in reference to any charge against him in connection with that offence.

(2) For the purposes of this section all offences under the Dangerous Drugs Act, whether or not they are only summary offences, shall be treated as if they are offences punishable on indictment.

(3) For the purposes of arresting any person charged with an offence declared by subsection (1) to be punishable in Jamaica, the Zone shall be deemed to be within the jurisdiction of any person authorized by law for the time being in force in Jamaica to arrest persons acting in breach of the law or to issue warrants for the arrest of any person charged with any offence.

(4) Nothing in this section shall:

(a) restrict or prejudice the exercise of any powers or authority by, for or on behalf of, or in the name or service of, Her Majesty in right of Her Government of Jamaica pursuant to international law;

(b) abrogate or abridge any criminal jurisdiction conferred on any court by virtue of any provision contained in any law in force for the time being in Jamaica;

(c) preclude any act of piracy from being tried or otherwise dealt with pursuant to any law in force for the time being in Jamaica.

(5) No prosecution for an offence punishable under subsection (1) shall be instituted except by or with the consent of the Director of Public Prosecutions:

Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence.

(6) Notwithstanding any provision to the contrary in any other enactment, proceedings against any person for an offence declared under subsection (1) to be punishable in Jamaica may be commenced before a Resident Magistrate having jurisdiction in the parish where that person is for the time being, and, for all incidental and consequential purposes, the offence shall be deemed to have been committed within the boundaries of that parish.

Minister may amend Schedule

20. (1) The Minister may from time to time amend the Schedule by order published in the Gazette.

(2) An order under subsection (1) shall be subject to negative resolution.

Regulations

21. The Minister may make regulations for the purpose of giving effect to the provisions of this Act, and, in particular, but without prejudice to the generality of the foregoing, may make regulations for:

(a) charts to be officially recognized as indicating baselines or boundaries of the Zone, and the admission in evidence of such charts or copies thereof certified in the prescribed manner;

(b) defining the limits of the Zone whether by way of such charts as aforesaid or otherwise;

(c) regulating the construction, maintenance and removal of artificial islands, installations and structures;

(d) the establishment of safety zones around artificial islands, installations and structures;

(e) regulating customs, fiscal, health, safety and immigration matters on artificial islands, installations and structures;

(f) regulating the steps to be taken to inform interested parties of the arrest or detention of any foreign vessel and the imposition of penalties thereon;

(g) determining the nationality of vessels for the purposes of any provisions of the regulations;

(h) regulating any activity relating to the economic exploration or exploitation of the Zone;

(i) regulating the authorization, control and supervision of scientific research in the Zone and the recovery of archaeological and historical objects;

(j) the preservation and protection of the marine environment and the prevention and control of marine pollution;

(k) determining the terms and conditions of joint ventures or other cooperative arrangements to be implemented in the Zone;

(l) specifying the requirements for training personnel and the transfer of technology;

(m) determining the allowable catch of living resources of the Zone;

(n) the proper conservation and management measures to be taken to assure the maintenance of and the optimum utilization of the living and non-living resources of the Zone;

(o) the fixing and measuring of charges for the taking, storage and maintenance of vessels;

(p) regulating the sale or disposal of any goods seized or forfeited;

(q) prescribing the fee to be paid on application for a licence; and

(r) prescribing anything authorized by this Act to be prescribed.

Modification of laws

22. The enactments specified in the first column of the Appendix are amended as specified in relation to them respectively, in the second column of the Appendix.

SCHEDULE

The Beach Control Act

The Customs Act

The Dangerous Drugs Act

The Fishing Industry Act

The Jamaica National Heritage Trust Act

The Harbours Act

The Marine Board Act

The Minerals (Vesting) Act

The Mining Act

The Petroleum Act

The Public Health Act

The Quarantine Act

The Wildlife Protection Act

The Wreck and Salvage Law

APPENDIX

Enactments	Amendments
The Beach Control Act	
Section 7 (1)	Delete from sub-paragraph (ii) of paragraph (b) the words "or the Pilotage Act" and substitute therefor the words "the Pilotage Act, or the Exclusive Economic Zone Act".
Section 9	(a) in subsection (2) delete the word "The" and substitute therefor the words "Subject to subsection (2A) the". (b) insert immediately after subsection (2) the following as subsection (2A): " (2A) Any licence affecting the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act".
The Fishing Industry Act	Insert immediately after the Heading "General" the following as section 23A: "23A - Any licence granted under section 5 or 11 in relation to the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act".
The Jamaica National Heritage Trust Act	
Section 2	(a) In subsection (1): (i) delete the numeral "(1)"; (ii) delete from paragraph (a) of the definition of "national monument" the words from "an area" to the word "island" inclusive, and substitute therefor the words "the exclusive economic zone". (b) Delete subsections (2) and (3).
Section 12 (6)	Delete the words from "any area" to the word "jurisdiction" inclusive, and substitute therefor the words "within the exclusive economic zone".

Enactments	Amendments
The Mining Act Section 18	(a) In subsection (1) delete the word "The" and substitute therefor the words and figure "Subject to subsection (1A) the". (b) Insert immediately after subsection (1) the following as subsection (1A): " (1A) Any licence granted under subsection (1) in respect of mining in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act.". (c) Delete subsection (5) and substitute therefor the following: " (5) A prospecting right shall be produced: (a) whenever demanded by the owner or occupier of land on which the holder is prospecting, or by a constable; or (b) whenever demanded by the Commissioner or by a Marine Officer under the Exclusive Economic Zone Act when the holder thereof is prospecting in the exclusive economic zone.".
Section 21 (3)	Delete the words "exceeding eight square miles" and substitute therefor the words "of land exceeding eight square miles or in respect of any part of the exclusive economic zone exceeding twenty-four thousand square miles".
Section 33 (3)	Insert after the word "land" the words "or to the Commissioner in respect of that part of the exclusive economic zone.".
Section 35	Renumber the section subsection (1) and insert next thereafter the following as subsection (2) - " (2) Subject to the provisions of this Act, a mining lessee shall have, in the exclusive economic zone and included in his lease, the right to construct any artificial island, installation or structure and the right to operate, maintain and use such artificial island, installation or structure.".
Section 70	(a) Delete the fullstop appearing at the end of the section and substitute therefor a semi-colon. (b) Insert immediately after paragraph (b) the following as paragraph (c):

Enactments	Amendments
	"(c) in the case of a mining lease for mining in the exclusive economic zone, to the Permanent Secretary in the Ministry of Foreign Affairs who shall record such lease.".
The Petroleum Act Section 3	(a) Delete from subsection (1): (i) the numeral "(1)"; (ii) the words from "any other area" to the word "Jamaica" inclusive, and substitute therefor the words "the exclusive economic zone". (b) Delete subsections (2) and (3).
Section 4	(a) Delete the word "No" and substitute therefor the words and figure "Subject to subsection (2), no". (b) Renumber the section as subsection (1). (c) Insert immediately after subsection (1) the following as subsection (2): " (2) Any exploration or development of petroleum resources or the acquisition of any right, title, interest or estate in any petroleum in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act.".
Section 28	Delete paragraph (b) and substitute therefor the following: "(b) the exclusive economic zone;".
The Public Health Act Section 7(1)	(a) Reletter paragraph "(s)" as paragraph "(t)". (b) Insert immediately after paragraph (r) the following as paragraph (s) - "(s) the sanitation and inspection of sanitation facilities on artificial islands, installations and structures within the exclusive economic zone".

Enactments	Amendments
The Quarantine Act Section 8 (2)	(a) Delete the fullstop appearing at the end of the subsection and substitute therefor a semi-colon.
	(b) Insert next after paragraph (e) the following as paragraph (f):
	"(f) the sanitation of artificial islands, installations and structures in the exclusive economic zone.".
The Wildlife Protection Act	
Section 8A	Insert next after section 8 the following as section 8A:
	"8A. Any person who hunts any animal or bird in or takes any eggs from the exclusive economic zone without a licence issued under this Act shall be guilty of an offence against this Act.".
The Wreck and Salvage Law	
Section 2	Delete -
Section 3	(a) Delete the definitions of "Commissioner" and "person";
	(b) Insert immediately after the definition of "ship" the following definition:
	" 'waters of this Island' means the internal waters, the territorial sea and the exclusive economic zone of Jamaica;";
	(c) Delete from the definition of "wreck" the words "any tidal water" and substitute therefor the words "the waters of this Island".
Section 5	Delete:
	(a) the words "at any place or near the coast of this Island, or any cay or island being a Dependency thereof," and substitute therefor the words "in any part of the waters of this Island";
	(b) the words "within which such place is situated" and substitute therefor the words "nearest to such part";
	(c) the word "place" where it appears for the third time and substitute therefor the word "part".

Enactments	Amendments
Section 12	Delete: (a) the words "on the coasts of this Island or of any of the Islands and Cays within the territories thereof," and substitute therefor the words "in the waters of this Island"; (b) the word "Law" and substitute therefor the word "Act"; (c) from the margin thereof the word and numerals "Cap. 236".
Section 14	Delete the words "or any of the Islands and Cays aforesaid".
Section 15	Delete and substitute therefor the following: "15. Section 14 shall apply to wreck found or taken possession of outside the limits of this Island and brought within the limits of this Island as it applies to wreck found or taken in possession of within the limits of this Island.".
Section 17	Delete the word "place" where it first appears and substitute therefor the words "part of the waters of this Island".
Section 20	Delete: (a) the words "or of any Dependency thereof"; (b) the words "or by the Commissioner, as the case may be,"; (c) the words "or the Commissioner".
Section 21	Delete the words- (a) "Treasury of this Island" and substitute therefor the words "Consolidated Fund"; (b) "or the Dependency within which such fees are received, as the case may be, and a separate account thereof shall be kept,"; (c) "or the Commissioner".

Enactments	Amendments
Section 22	(a) Delete the words "or of any of the Islands and Cays being Dependencies thereof".
	(b) Delete the words "or any of the Islands and Cays as aforesaid".
Section 23	Delete the words "Treasury of this Island or of such Dependency as aforesaid" and substitute therefor the words "Consolidated Fund".
Section 24	Delete the words "territories thereof".
Section 26	(a) Delete the words "or the Dependencies thereof".
	(b) Delete the words "at or near the place" wherever they appear and substitute therefor, in each case, the words "at a place nearest to that part of the waters of the Island".
	(c) Delete the words "High Court" wherever they appear and substitute therefor, in each case, the words "Supreme Court".
Section 32	(a) Delete the words "or any of the islands and cays as aforesaid.".
	(b) Delete the words "High Court" and substitute therefor the words "Supreme Court".
Section 34 (2)	Delete the words "High Court" and substitute therefor the words "Supreme Court".
Section 38	(a) Delete the words "at any place" and substitute therefor the words "in any part of the waters of Jamaica".
	(b) Delete the words "or the Commissioner".
	(c) Delete the words "Treasury of this Island or of the Dependency in which such wreck was found (as the case may be)" and substitute therefor the words "Consolidated Fund".
	(d) Delete the words "or Commissioner".
Section 39	(a) Delete the words "on or near the coasts" and substitute therefor "in any part of the waters".
	(b) Delete the words "or of any of the cays or islands being Dependencies thereof".

Enactments	Amendments
	(c) Delete the words "on or near such coasts," and substitute therefor the words "in any part of such waters".
	(d) Delete the words "or of any of the territories thereof".
Section 41	(a) Delete the words "or such territories thereof respectively".
	(b) Delete the words "Collector-General of this Island" and substitute therefor the words "Commissioner of Customs and Excise".
Section 42	(a) Delete the words "Collector-General of this Island" and substitute therefor the words "Commissioner of Customs and Excise".
	(b) Delete the words "such Collector-General is to" and substitute therefor the words "such Commissioner shall".
	(c) Delete from the marginal note the word "Collector-General" and substitute therefor the words "Commissioner of Customs and Excise".
Section 43 (1)	Delete the words "on or near the shore of this Island, or of any of the islands or cays aforesaid," and substitute therefor the words "in any part of the waters of this Island".
Section 44	Delete the words "on or near the shore of the sea within the limits of this Island, or of any of the Dependencies thereof" and substitute therefor the words "in any part of the waters of this Island".

MEMORANDUM OF OBJECTS AND REASONS

The concept of an Exclusive Economic Zone evolved as a result of the claims of certain States consequent on rapid technological advances in the mining of offshore mineral resources. This Zone sought to encompass, beyond the existing twelve miles territorial sea, an additional one hundred and eighty-eight miles from the seaward limit of the territorial sea.

Jamaica, as a participant of conferences dealing with the Law of the Sea, has accepted that there is a need to protect the marine environment in such a Zone.

Jamaica, having adopted the Convention on the Law of the Sea, now seeks, in the protection of her marine resources, to enact legislation to give effect to this and also to adhere to the provisions relating to an Exclusive Economic Zone contained in the Convention.

Consequently this Bill seeks to:

(a) establish an Exclusive Economic Zone;

(b) make provision for the manner in which exploration of and exploitation for the resources of the Zone may be carried out;

(c) prescribe penalties for any breaches of the Act;

(d) permit the making of regulations in relation to activities in the zone; and

(e) make consequential amendments to other Acts.

David Coore,
Minister of Foreign Affairs and Foreign Trade

A BILL

Entitled

An Act to Establish beyond the territorial sea a Zone to be known as the Exclusive Economic Zone and to provide for matters incidental thereto or connected therewith.

SECTIONS 7 AND 9 OF THE BEACH CONTROL ACT WHICH IT IS PROPOSED TO AMEND

7. (1) Notwithstanding anything to the contrary in this Act, the Minister may, upon the recommendation of the Authority, make an order declaring

(a) ...

(b) such activities as may be specified in the order to be prohibited activities in the area defined in the order, being any or all of the following activities:

(i) ...

(ii) the use of boats other than boats propelled by wind or oars where such boats are used for purposes other than for the doing of anything which may be lawfully done under the Harbours Act, the Marine Board Act, the Wrecks and Salvage Law, or the Pilotage Act;

...

9. (1) ...

(2) The Minister may, if he thinks fit, grant to any person applying therefor, in such form and subject to such conditions as he may think fit, a licence to erect, construct or maintain any dock, wharf, pier or jetty or any structure, apparatus or equipment as aforesaid.

SECTIONS 2 AND 12 OF THE JAMAICA NATIONAL HERITAGE TRUST ACT WHICH IT IS PROPOSED TO AMEND

2. (1) In this Act unless the context otherwise requires-

...

"national monument" means:

(a) any building, structure, object or other work of man or of nature or any part or remains thereof whether above or below the surface of the land or the floor of the sea within the territorial waters of the Island or within an area declared in an order made under subsection (2) to be within the maritime resource jurisdiction of the Island;

...

(2) Subject to any relevant international Convention to which Jamaica is a party, the Minister may by order declare any area of the sea defined in the order, not being an area included in the territorial sea of Jamaica or its continental shelf, to be within the sovereign jurisdiction of Jamaica for the purposes of this Act.

(3) Nothing in subsection (2) shall be construed as limiting in any way the sovereign rights of Jamaica under general international law including the United Nations Convention on the Law of the Sea.

12. (1) ...

(6) In this section and in sections 19 and 20 "structure" includes any building, structure, object or other work of man or nature whether above or below the surface of the land or the floor of the sea within the territorial waters of the island, or any area declared in any order made under section 2(2) to be within the maritime resource jurisdiction, and any site, cave or excavation.

SECTIONS 18, 21, 33 AND 70 OF THE MINING ACT WHICH IT IS PROPOSED TO AMEND

18. (1) The Commissioner may, in his absolute discretion on application in the prescribed form and upon the payment of the prescribed fee, grant to any individual a prospecting right in the prescribed form:

Provided that a prospecting right shall not be granted:

...

(5) A prospecting right shall be produced whenever demanded by the owner or occupier of land on which the holder thereof is prospecting, or by any constable.

21. (1) ...

(3) A licence shall not be granted in respect of any area exceeding eight square miles.

...

33. (1) ...

(3) The Minister may require an applicant for a mining lease to satisfy him that he possesses or commands sufficient working capital to ensure the proper development and carrying on of mining operations on the area applied for, and for the payment of any compensation which may be payable to the owners or occupiers of the land in respect of which the lease is required, and may require any reports on the area made by prospectors or engineer to be submitted for his information; and in the event of the applicant failing so to satisfy the Minister, the Minister may refuse the application but the applicant may make a new application at any time.

...

70. The Commissioner shall forward a copy of every mining lease and water right, and of any instrument transferring, renewing, creating or determining such lease or water right to any interest therein, which is registered in his office and of any order made under section 59 -

(a) in the case of land under the Registration of Titles Act, to the Registrar of Titles who shall register such lease or water right in accordance with the provisions of that Act;

(b) in the case of land not under that Act to the Deputy Keeper of the Records who shall record such lease or water right.

SECTIONS 3, 4 AND 28 OF THE PETROLEUM ACT WHICH IT IS PROPOSED TO AMEND

3. (1) There is hereby vested in the Crown all petroleum existing in its natural state in strata in Jamaica including the bed and subsoil of its territorial sea, its continental shelf and any other area declared under this section to be within the maritime resource jurisdiction of Jamaica.

(2) Subject to any relevant international Convention to which Jamaica is a party, the Minister may by order declare any area of the sea defined in the order, not being an area included in the territorial sea of Jamaica or its continental shelf, to be within the maritime resource jurisdiction of Jamaica for the purposes of this Act.

(3) Every order made under this section shall be subject to affirmative resolution.

4. No person shall, except in accordance with the provisions of this Act and any regulations made thereunder:

(a) explore or develop petroleum resources; or

(b) acquire any right, title, interest or estate in any petroleum, which is vested by section 3 in the Crown.

28. The laws of Jamaica extend:

(a) ...

(b) to any other area for the time being declared under section 3 to be within the maritime resource jurisdiction of Jamaica; and

(c) to all artificial islands and other structures built on the areas mentioned in paragraphs (a) and (b), and any vessels stationed over those areas, for the purpose of exploring for or developing petroleum resources or removing or transporting therefrom any petroleum or petroleum product,

to the same extent as if the continental shelf and those areas, islands, structures or vessels (hereinafter referred to as the maritime extensions) were located in Jamaica; and for the purposes of the jurisdiction of any court in Jamaica any such maritime extension shall be treated as if it were located in the parish in which proceedings are brought.

SECTION 8 OF THE QUARANTINE ACT WHICH IT IS PROPOSED TO AMEND

8. (1) ...

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules under that subsection may, for the purpose therein set forth, make provision for all or any of the following matter, that is to say -

(a) regulating the granting or withdrawal of pratique;

...

(e) fixing the charges sanctioned by regulations in force by virtue of section 7 and providing for their incidence.

...

SECTIONS 2 AND 3 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

2. This Law extends to this Island of Jamaica, the Cayman Island and other the Cays and Islands on this Island depending, but shall not extend or relate to the Turks and Caicos Islands.

3. In this Law-

"Commissioner" means the Commissioner or other officer administering the local Government in any Dependency of Jamaica;

...

"person" includes body corporate;

...

"wreck" includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

SECTION 5 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

5. When any ship or boat is stranded or in distress at any place on or near the coast of this Island, or of any cay or island being Dependency thereof, the Receiver of the district within which such place is situated shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person, and issue such directions, as he may think fit with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and any person who wilfully disobeys such directions he shall forfeit a sum not exceeding fifty pounds; but it shall not be lawful for such Receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.

SECTION 12 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

12. Any Receiver, or in his absence any Justice, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any ship which may be or may have been in distress on the coasts of this Island or of any of the Islands and Cays within the territories thereof, or any other person who may be able to give any account of such ship or of the cargo or stores thereof, as to the following matters, that is to say-

(a) the name and description of the ship;

...

and such Receiver or Justice shall take the examination down in writing, and shall make two copies of the same, of which he shall send one to the Minister, and the other to the office of the nearest Collector of Customs, and such last mentioned copy shall by such Collector be placed in some conspicuous situation for the inspection of persons desirous of examining same; and, for the purposes of such examination, every such Receiver or Justice as aforesaid shall have all the powers given by the Marine Board Law to Inspectors appointed thereunder.

SECTIONS 14 AND 15 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

14. The following rules shall be observed by any person finding or taking possession of wreck within this Island or any of the Islands and Cays aforesaid, that is to say:

...

15. The preceding section shall apply to wreck found or taken possession of outside the limits of this Island or any of the Islands or Cays referred to in the said section, and brought within the limits of this Island or any of the said Islands or Cays, as it applies to wreck found or taken possession of within the limits of this Island or any of the said Islands or Cays.

SECTION 17 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

17. Every Receiver shall within forty-eight hours after taking possession of any wreck cause to be posted up in the Custom House of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds twenty pounds but not otherwise, transmit a similar description to the Minister, and a copy thereof shall be posted in some conspicuous place for the inspection of all persons desirous of examining the same.

SECTIONS 20, 21, 22, 23 AND 24 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

20. Whenever any dispute arises in any part of this Island or of any Dependency thereof as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Minister, or by the Commissioner, as the case may be, and the decision of the Minister or the Commissioner shall be final.

21. All fees received by any Receiver appointed under this Law, in respect of any services perfomed by him as Receiver, shall be paid into the Treasury of this Island or the Dependency within which such fees are received, as the case may be, and a separate account thereof shall be kept, and the moneys arising therefrom shall be applied in defraying any expenses duly incurred in carrying into effect the purposes of this Law, in such manner as the Minister or the Commissioner directs.

22. In the following cases, that is to say:

whenever any ship or boat is stranded or otherwise

in distress on or near the coasts of this Island, or of any of the Islands and Cays being Dependencies thereof, and services are rendered by any person:

(a) in assisting such ship or boat;

(b) in saving the lives of the persons belonging to such ship or boat;

(c) in saving the cargo or apparel of such ship or boat, or any portion thereof;

and whenever any wreck is saved by any person other than a Receiver within this Island or any of the Islands and Cays as aforesaid,

there shall be payable by the owners of such ship or boat, cargo, apparel or wreck, to the person by whom such services or any of them are rendered, or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the perfomance of such services or the saving of such wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined in case of dispute in manner hereinafter mentioned.

23. Salvage in respect of the preservation of the life or lives of any person or persons belonging to any such ship or boat as aforesaid shall be payable by the owners of the ship or boat in priority to all other claims for salvage, and in cases where such ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurrred, to pay the amount of salvage due in respect of any life or lives. The Minister may in his discretion award to the salvours of such life or lives out of the Treasury of this Island or of such Dependency as aforesaid, such sum or sums as he deems fit, in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.

24. All the provisions in this Law contained in regard to the salvage of life from any ship or boat within the limits of this Island and the territories thereof shall be extended to the salvage of life from any ship registered at and trading with this Island, or from any boat belonging to any such ship, wheresoever the services may have been rendered, and from any foreign ship or boat where the services have been rendered either wholly or in part in the waters of this Island.

SECTION 26 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

26. Whenever any dispute with respect to salvage arises within this Island or the Dependencies thereof between the owners of any such ship, boat, cargo, apparel or wreck as aforesaid, or between the agent of such owners, and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree as to the settlement thereof by arbitration or otherwise;

then, if the sum claimed does not exceed two hundred pounds, or if the value of the property saved does not exceed one thousand pounds;

such dispute shall be referred to the arbitration of a Resident Magistrate, or of any two Justices resident as follows, that is to say:

in case of wreck, resident at or near the place where such wreck is found;

in case of services rendered to any ship or boat, or to the persons, cargo or apparel belonging thereto, resident at or near the place where such ship or boat is lying, or at or near the first port or place in this Island into which such ship or boat is brought after the occurrence of the accident by reason whereof the claim to salvage arises;

but if the sum claimed exceeds two hundred pounds,

such dispute may, with the consent of the parties, be referred to the arbitration of such Resident Magistrate or Justices as aforesaid, but if they do not consent shall be decided by the high Court; subject to this proviso, that if the claimants in such dispute do not recover in such High Court a greater sum than two hundred pounds they shall not, unless the Court certifies that the case is a fit one to be tried in a superior Court, recover any costs, charges or expenses incurred by them in the prosecution of their claim;

and every dispute with respect to salvage may be heard and adjudicated upon the application either of the salvor or of the owner of the property salved, or of their respective agents. It shall be lawful for the Minister from time to time to determine a scale of costs to be awarded in salvage cases by any such Resident Magistrate or Justice as aforesaid.

SECTION 32 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

32. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in this Island, or any of the islands and cays as aforesaid, has been finally ascertained either by agreement or by the award of such Resident Magistrate or Justices or such umpire, but a dispute arises as to the apportionment thereof amongst several claimants, then, if the amount does not exceed two hundred pounds it shall be lawful for the party liable to pay the amount so due to apply to the Receiver of the district for liberty to pay the amount so ascertained to him, and he shall if he thinks fit receive the same accordingly, and grant a certificate under his hand stating the fact of such payment and the services in respect of which it is made; and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to their ship, boats, cargo, apparel and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceeds two hundred pounds then the High Court may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose if it thinks fit appoint any person to carry such apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into Court to be there dealt with as the Court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit.

SECTION 34 OF THE WRECK AND SALVAGE LAW
WHICH IT IS PROPOSED TO AMEND

34. Whenever any salvage is due to any person under this Law the Receiver shall act as follows, that is to say:

(1) ...

(2) if the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained,

he shall detain such wreck until payment is made, or process has been issued in manner aforesaid;

but it shall be lawful for the Receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel or wreck so detained by him as aforesaid; and in cases where the claim for salvage exceeds two hundred pounds it shall be lawful for the High Court to determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties; and in all cases where bond or other security is given to the Receiver for an amount exceeding two hundred pounds it shall be lawful for the salvor or for the owner of the property salved, or their respective agents, to institute proceedings in the said Court for the purpose of having the question arising between them adjudicated upon, and the said Court may enforce payment of the said bond or other security in the same manner as if bail had been given in the said Court.

SECTION 38 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

38. If no owner establishes his claim to wreck found at any place before the expiration of a year from the date at which the same has come into the possession of the Receiver, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and deducting from the proceeds thereof his fees and all expenses (if any) incurred by him, and paying to the salvors such amount of salvage as the Minister or the Commissioner may in each case or by any general rule determine, pay the residue into the Treasury of this Island or of the Dependency in which such wreck was found (as the case may be) in such manner as the Minister or Commissioner may direct, and shall be disposed of under order of the Minister in accordance with the Law for the time being in force regulating the disposal of droits of Admiralty.

SECTION 39 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

39. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of this Island or of any of the cays or islands being Dependencies thereof, or belonging to or forming part of the cargo of any such ship, are found on or near such coasts, or are brought into any port in this Island or of any of the territories thereof, the Consular Officer of the country to which such ship, or in the case of cargo to which the owners of such cargo, may have belonged shall, in the absence of the owner of such ship or articles and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

SECTIONS 41, 42, 43 AND 44 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

41. All wreck being foreign goods brought or coming into this Island or any of the harbours thereof shall be subject to the same duties as if the same were imported into this Island or such territories thereof respectively, and if any question arises as to the origin of such goods they shall be deemed to be the produce of such country as the Collector-General of this Island may upon investigation determine.

42. The Collector-General of this Island may permit all goods, wares and merchandise saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination or elsewhere, and all goods, wares and merchandise saved from any ship stranded or wrecked on its outward voyage to be returned to their port at which the same were shipped; but such Collector-General is to take security for the due protection of the revenue in respect of such goods, wares and merchandise.

43. Every person who does any of the following acts, that is to say:

(1) wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress on or near the shore of this Island, or of any of the islands or cays aforesaid, or any part of the cargo or apparel thereof, or any wreck; or

...

44. If any person takes into any foreign port or place any ship or boat stranded, derelict or otherwise in distress on or near the shore of the sea within the limits of this Island, or of any of the Dependencies thereof, or any part of the cargo or apparel of any such ship or boat, or anything belonging thereto, or any wreck found within such limits as aforesaid, and there sells the same, he shall be guilty of felony, and be subject to imprisonment with hard labour for a term not exceeding four years.

4. NAMIBIA

Territorial Sea and Exclusive Economic Zone of Namibia, Act No. 3 of 1990, 30 June 1990 1/

[Original: English]

ACT to determine and define the territorial sea, internal waters, exclusive economic zone and continental shelf of Namibia; and to provide for matters incidental thereto (signed by the President on 6 June 1990).

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:

Definitions

1. In this Act, unless the context indicate otherwise -

"Convention" means the United Nations Convention on the Law of the Sea, 1982, adopted on 30 April 1982 by the [Third] United Nations Conference on the Law of the Sea;

"low water line" means the line of lowest astronomical tide;

"Namibia" means the Republic of Namibia as defined in article 1 (4) of the Namibian Constitution, and in relation to any right or power, the authority in which the right or power in question or a right or power of the nature in question is vested;

"nautical mile" means the international nautical mile of 1,852 metres.

Territorial sea of Namibia

2. (1) The sea within a distance of 12 nautical miles measured from the low water line shall be the territorial sea of Namibia.

(2) (a) In determining the extent of the territorial sea of Namibia due regard shall be had to the rules embodied in the Convention, or as it may from time to time be embodied in any international convention binding on Namibia, and, with due regard to the said international rules, base lines other than the low water line from which the 12 nautical miles contemplated in subsection (1) are to be measured, may be recognized by Namibia;

(b) Any baseline referred to in this section may be marked or indicated by appropriate symbols on scale charts officially recognized by Namibia;

(c) In any proceedings before a court of law any chart referred to in paragraph (b) shall be prima facie evidence of the matters referred to therein.

1/ See Government Gazette of the Republic of Namibia (Windhoek), No. 28, 11 June 1990.

(3) Any law in force in Namibia at the commencement of this Act relating to territorial waters or to the sea within a specified distance but less than 12 nautical miles from the low water mark shall apply within the territorial sea of Namibia, and any reference in any such law to the territorial waters or low water mark shall be deemed to be a reference to the territorial sea or low water line as defined in this Act, respectively.

Internal waters of Namibia

3. (1) The waters landward from its low water line or any other baseline from which the territorial sea was measured shall form part of the internal waters of Namibia.

(2) The provisions of subsection (1) shall be in addition to and not in substitution for any other law relating to or defining the internal waters of Namibia.

Exclusive economic zone of Namibia

4. (1) The sea outside the territorial sea of Namibia but within a distance of two hundred nautical miles from the low water line or any other baseline from which the territorial sea was measured shall constitute the exclusive economic zone of Namibia.

(2) In determining the extent of the exclusive economic zone the provisions of section 2 (2) shall mutatis mutandis apply.

(3) Within the exclusive economic zone -

(a) Any law of Namibia which relates to the exploitation, exploration, conservation or management of the natural resources of the sea, whether living or non-living, shall apply;

(b) Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of any fiscal law or any law relating to customs, immigration, health or the natural resources of the sea.

(4) Any law in force in Namibia at the commencement of this Act relating to any fishing zone shall apply within the exclusive economic zone of Namibia, and any reference in any such law to any fishing zone shall be deemed to be a reference to the exclusive economic zone as defined in this Act.

Delimitation of territorial sea or exclusive economic zone

5. If, in determining the extent of the territorial sea or exclusive economic zone of Namibia or after having so determined it, it infringes or overlaps with the territorial sea, exclusive economic zone or any other maritime zone, as the case may be, of any other State, the extent of the territorial sea or exclusive economic zone of Namibia may be determined or altered by agreement with the State concerned, and pending the conclusion of such an agreement or if no such agreement can be reached, the extent of the territorial sea or exclusive economic zone of Namibia, as the case may be, may be determined or altered by Namibia as it deems fit.

Continental shelf of Namibia

6. (1) The continental shelf as defined in the Convention, or as it may from time to time be defined by international convention and binding on Namibia, shall be the continental shelf of Namibia.

(2) The continental shelf referred to in subsection (1) shall be regarded as part of Namibia and shall for the purposes of -

(a) the exploitation of the natural resources of the sea; and

(b) any provision of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of Namibia which adjoins the continental shelf,

be deemed to be State land.

Repeal or amendment of laws

7. The laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of the Schedule.

Short title and commencement

8. This Act shall be called the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, and shall come into operation on a date to be determined by the President by proclamation in the Gazette.

SCHEDULE

Laws repealed or amended
(Section 7)

No. and year	Short title	Extent of repeal of amendment
Act 58 of 1973.	Sea Fisheries Act, 1973.	(a) The substitution for section 17 of the following section: "Forfeiture and seizure. 17. (1) The court convicting any person of any offence in terms of this Act may, in addition to any other penalty it may impose, declare any fish, sea-weed, shells or implement or any fishing boat or other vessel or vehicle in respect of which the offence was committed or which was used in connection with the commission thereof, or any rights of the convicted person thereto, to be forfeited to the State, and cancel or suspend for such period as the court may think fit, any registration done in respect of the convicted person or any licence or permit issued or granted to such person in terms of this Act: Provided that such a declaration of forfeiture shall not affect any rights which any person other than the convicted person may have to such implement, boat, vessel or vehicle, if it is proved that such other person took all reasonable steps to prevent the use thereof in connection with the offence. (2) The provisions of section 35 (3) and (4) of the Criminal Procedure Act, 1977 (Act 51 of 1977) shall _mutatis mutandis_ apply in respect of any such rights. (3) Any fish, sea-weed, shells, boat, vessel, vehicle or implement or any right thereto forfeited to the State under the provisions of this section or section 6 (6) may be sold or destroyed or may be dealt with in such other manner as the President may direct". (b) the amendment of section 22A: (i) by the substitution in subsection (4) for the amount "R50 000" of the words "one million rand"; (ii) by the deletion in subsection (4) of the expression "or to imprisonment for a period not exceeding 7 years or to both such fine and such imprisonment"; and (iii) by the substitution for subsection (5) of the following subsection: "(5) (a) The President may by notice in the _Gazette_ make regulations in respect of vessels authorized in terms of subsection (2), relating to any of the matters referred to in sections 10 (1), 11 (a), (b) and (c) and 13 (1) (a), (c), (d), (f), (g), (h), (i), (j), (l), (m) and (n) of this Act. (b) Different regulations may under paragraph (a) be made in respect of different vessels or vessels of different foreign States or in respect of different species of fish or fish products. (c) Any person using a vessel authorized in terms of subsection (2) in contravention of or without complying with any regulation referred to in paragraph (a) of this subsection shall be guilty of an offence and liable on conviction to the penalty prescribed in subsection (4)".
Proclamation AG. 32 of 1979	Territorial Waters of South West Africa Proclamation, 1979.	The repeal of the whole.

Proclamation by the President of the Republic of Namibia [1]

[Original: English]

Commencement of the Territorial Sea and Exclusive Economic Zone of Namibia Act (Act 3 of 1990).

Under the powers vested in me by section 8 of the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, I hereby determine that the said Act shall come into operation on 10 July 1990.

Given under my Hand and Seal of the Republic of Namibia at Windhoek this 30th day of June, One thousand Nine hundred and Ninety.

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[1] See Government Gazette of the Republic of Namibia (Windhoek), No. 44, 10 July 1990.

Territorial Sea and Exclusive Economic Zone of Namibia Amendment Act, 1991 1/

Explanatory note:

________	Words underlined with solid line indicate insertions in existing enactments.
[ ]	Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To amend the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, in order to establish a contiguous zone for Namibia in which Namibia shall have the right to prevent the contravention of certain laws; to further provide for matters relating to the continental shelf of Namibia; and to provide for matters incidental thereto.

(Signed by the President on 12 December 1991)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:

Insertion of section 3A in Act 3 of 1990

1. The following section is hereby inserted in the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990 (hereinafter referred to as the principal Act), after section 3:

"Contiguous zone of Namibia

3A. (1) The sea outside the territorial sea of Namibia but within a distance of 24 nautical miles from the low water line or any other baseline from which the territorial sea was measured shall constitute the contiguous zone of Namibia.

(2) In determining the extent of the contiguous zone of Namibia the provisions of section 2(2) shall *mutatis mutandis* apply.

(3) Within the contiguous zone of Namibia, Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of any fiscal law or any law relating to customs, immigration or health.".

Amendment of section 4 of Act 3 of 1990

2. Section 4 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

> "(b) Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of [any fiscal law or] any law relating to [customs, immigration, health or] the natural resources of the sea.".

1/ See Government Gazette of the Republic of Namibia (Windhoek), No. 332, 30 December 1991.

Amendment of section 6 of Act 3 of 1990

3. Section 6 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The continental shelf referred to in subsection (1) shall [be regarded as part of Namibia and shall] for the purposes of:

(a) the exploitation of the natural resources of the sea; and

(b) any provision of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of Namibia which adjoins the continental shelf,

be deemed to be State land.".

Substitution of long title to Act 3 of 1990

4. The following long title is hereby substituted for the long title to the principal Act:

"To determine and define the territorial sea, internal waters, contiguous zone, exclusive economic zone and continental shelf of Namibia; and to provide for matters incidental thereto.".

Short title

5. This Act shall be called the Territorial Sea and Exclusive Economic Zone of Namibia Amendment Act, 1991.

5. POLAND

Act concerning the maritime areas of the Polish Republic and the marine administration, 21 March 1991 1/

[Original: Polish]

PART I
GENERAL PROVISIONS

Article 1

1. The Act defines the legal situation of the maritime areas of the Polish Republic, the coastal area and the authorities of the marine administration and their scope of jurisdiction.

2. The provisions of the Act shall not be applicable if an international treaty to which the Polish Republic is a party provides otherwise.

Article 2

1. The maritime areas of the Polish Republic are:

(1) The internal waters;

(2) The territorial sea;

(3) The exclusive economic zone,

hereinafter referred to as "Polish maritime areas".

2. The internal waters and the territorial sea are part of the territory of the Polish Republic.

3. The territorial sovereignty of the Polish Republic over the internal waters and the territorial sea shall extend to the waters, to the airspace over such waters and to the seabed and the subsoil of the internal waters and of the territorial sea.

Article 3

1. If the needs of defence or of the security of the State so require:

(1) Zones closed to navigation and fishing may be established in the internal waters and in the territorial sea;

(2) Beyond the internal waters and the territorial sea, zones unsafe for navigation or fishing may be proclaimed [ogaszane].

2. The zones referred to in paragraph 1 shall be established or proclaimed by the Ministry of National Defence, in agreement with the Ministers of Transport and Marine Economy and of the Interior.

1/ Legislative Gazette of the Polish Republic [Dziennik Ustaw Rzeczypospolitej Polskiej], No. 32, Warsaw, 18 April 1991. Entered into force on 1 July 1991.

PART II
POLISH MARITIME AREAS

Section 1
The internal waters

Article 4

The internal waters are:

(1) The part of Nowowarpno Lake and the part of the Bay of Szczecin, together with the Swina and the Dziwna and the Bay of Kamien, situated east of the State frontier between the Polish Republic and Germany, and the river Odra between the Bay of Szczecin and the waters of the port of Szczecin.

(2) That part of the Bay of Gdansk closed by a baseline running from a point having the coordinates 54° 37' 36" north geographic latitude and 18° 49' 18" east geographic longitude (on the Hel Sandbar [Mierzeja Helska]) to a point having the coordinates 54° 22' 12" north geographic latitude and 19° 21' 00" east geographic longitude (on the Vistula Sandbar [Mierzeja Wislana]);

(3) The part of the Vistula Bay [Zalew Wislany] situated south-west of the State frontier between the Polish Republic and the Union of Soviet Socialist Republics on that Bay;

(4) Harbour waters defined on the sea side by the line connecting the outermost permanent harbour works which form an integral part of the harbour system.

Section 2
The territorial sea

Article 5

1. The territorial sea of the Polish Republic consists of a marine area of 12 nautical miles (22,224 m) wide, measured from the baseline of that sea.

2. The baseline of the territorial sea is constituted by the low-water line along the coast or the outer limit of the internal waters.

3. The outer limit of the territorial sea is constituted by a line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline, subject to paragraph 4.

4. Roadsteads which are normally used for the loading, unloading and anchoring of ships and which are situated wholly or partly outside the outer limit of the areas defined in accordance with paragraphs 1 and 3, are included in the territorial sea.

5. The boundaries of the roadsteads referred to in paragraph 4 shall be determined by the Council of Ministers by means of an ordinance [rozporzadzenie].

Article 6

1. Foreign ships shall, subject to the provisions of paragraph 3, enjoy the right of innocent passage through the territorial sea of the Polish Republic.

2. Innocent passage means navigation through the territorial sea for the purpose of:

(1) Traversing that sea without entering the internal waters or calling at any part of the harbour system or any roadstead facilities which are situated beyond the internal waters;

(2) Entering or leaving the internal waters;

(3) Entering or leaving the part of the harbour system or roadstead facilities referred to in subparagraph (1).

3. The Minister of National Defence shall, by means of an ordinance, define the passage of warships of foreign States through the Polish territorial sea and the conditions for their entry into Polish internal waters.

Article 7

The passage shall be continous and expeditious. Stopping or anchoring shall be permitted only in so far as they are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons and ships or aircraft in danger. Foreign fishing vessels shall, during their passage, be required to remove fishing gear from their decks or to store it in a manner which precludes its use.

Article 8

Passage shall be considered to be innocent so long as it is not prejudicial to the peace, good order or security of the Polish Republic.

Article 9

Passage shall be considered to be prejudicial to peace, good order or security of the Polish Republic if the foreign ship or warship, while in the territorial sea, engages in any of the following activities:

(1) Any threat or use of force against the sovereignty, territorial integrity or political independence of the Polish Republic or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(2) Any exercise or practice with weapons of any kind;

(3) Any act aimed at collecting information to the prejudice of the defence or security of the Polish Republic;

(4) Any act of propaganda aimed at affecting the defence or security of the Polish Republic;

(5) The launching, landing or taking on board of any aircraft;

(6) The launching, landing or taking on board of any military device;

(7) The loading or unloading of any commodity, foreign currency or person contrary to the customs, fiscal, immigration or sanitary regulations of the Polish Republic;

(8) Any act of wilful pollution;

(9) Any fishing activities;

(10) The carrying out of research or survey activities;

(11) Any act aimed at interfering with the system of communications or any other facilities or installations of the Polish Republic;

(12) Any other activities not having a direct bearing on the passage.

Article 10

1. Where necessary having regard to the safety of navigation, the Ministry of Transport and Marine Economy, in agreement with the Minister of National Defence, may, by means of an ordinance, designate in the territorial sea, sea lanes and prescribe traffic separation schemes as well as a notification system of ships' position and also define ways for the use of such sea lanes and traffic separation schemes for the regulation of the passage of ships.

2. The sea lanes and the traffic separation scheme shall be shown on marine charts.

Article 11

Foreign ships exercising the right of innocent passage through the territorial sea shall be required to comply with Polish law and international regulations relating to the prevention of collisions at sea and to the protection of the marine environment.

Article 12

1. Polish criminal jurisdiction shall not be applicable to offences committed on board foreign ships during their passage through the territorial sea, unless:

(1) The consequences of the offence extend to the territory of the Polish Republic;

(2) The offence violates the peace or the good order of the territorial sea;

(3) The assistance of the competent Polish authorities has been requested by the master of the ship or by the diplomatic agent or consular officer of the flag state of the ship;

(4) Such jurisdiction is necessary for the purpose of combating the illicit traffic in narcotic drugs or psychotropic substances.

2. The provisions of paragraph 1 shall not restrict the application of Polish criminal jurisdiction if the foreign ship is passing through the territorial sea after leaving Polish internal waters.

3. No action in respect of a foreign ship passing through the territorial sea shall be taken in connection with an offence committed before the ship entered the Polish territorial sea, if the ship, proceeding from a foreign port, is only passing through that territorial sea without entering internal waters.

4. The provisions of paragraph 3 shall not apply in case of violation of the rights of the Polish Republic as defined in article 17 or in the case of the prosecution of persons causing pollution of the marine environment.

5. The authorities taking action in the sphere of criminal jurisdiction shall, if the master of a ship so requests, notify a diplomatic mission or the competent consular office of the flag State.

Article 13

1. A foreign ship passing through the Polish territorial sea may not be stopped for the purpose of exercising civil jurisdiction in relation to a natural person on board the ship.

2. No execution against or arrest of a foreign ship passing through the Polish territorial sea may be carried out in connection with any civil proceeding, save only in respect of obligations or liabilities assumed or incurred by the ship in the course or for the purpose of its voyage through the Polish internal waters or the Polish territorial sea.

3. The provisions of paragraph 2 shall not be applicable if the foreign ship has stopped in the Polish territorial sea or is passing through that sea after leaving Polish internal waters.

Section 3
The exclusive economic zone

Article 14

There is established an exclusive economic zone of the Polish Republic.

Article 15

The exclusive economic zone is situated beyond and adjacent to the territorial sea. It includes the waters, the seabed and its subsoil.

Article 16

1. The boundaries of the exclusive economic zone shall be defined by international treaties.

2. If such international treaties as referred to in paragraph 1 do not exist, the Council of Ministers may, by means of an ordinance, define the boundary of the exclusive economic zone.

Article 17

In the exclusive economic zone, the Polish Republic shall have:

(1) Sovereign rights to explore, manage and exploit the natural resources, whether living or non-living, of the seabed and its subsoil and the waters superjacent to them and the right to conserve those resources, as well as sovereign rights with respect to other economic undertakings in the zone;

(2) Jurisdiction with regard to:

  (a) The establishment and use of artificial islands, installations and other structures;

  (b) Marine scientific research;

  (c) The protection and preservation of the marine environment;

(3) Other rights provided for under international law.

Article 18

Foreign States shall in the exclusive economic zone enjoy freedom of navigation and overflight, and of the laying of submarine cables and pipelines and the right to use other methods of exploiting the sea related to these freedoms and which are consistent with international law, subject to the provisions of the Act.

Article 19

Polish law relating to the protection of the environment shall be in force in the exclusive economic zone.

Article 20

The right to undertake and engage in fishing in the exclusive economic zone shall be held only by ships of Polish nationality, subject to any contrary provisions of the Act.

Article 21

Foreign fishing vessels may undertake and engage in fishing in the exclusive economic zone if an international treaty concluded by the Polish Republic with the State of nationality of the vessel provides for such a possibility or if the vessel is availing itself of a licence.

Article 22

1. In the exclusive economic zone, the Polish Republic shall have the exclusive right to construct, or to authorize and regulate the construction and utilization of, artificial islands, installations and structures of any kind intended for the conduct of scientific research, exploration or exploitation of resources.

2. The artificial islands, installations and structures referred to in paragraph 1 shall be subject to Polish law.

Section 4
Artificial islands, installations and structures, submarine cables and pipelines

Article 23

Authorizations for the construction and utilization of artificial islands, installations and structures in the Polish territorial sea and in the exclusive economic zone shall be issued by the Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, and in the internal waters such authorizations shall be issued by the director of the marine office.

Article 24

Around the artificial islands, installations and structures, the director of the competent marine office may establish safety zones extending not more than 500 metres measured from each point of their outer edge, unless a different width of the zone is authorized by the generally accepted standards of international law or recommended by the competent international organization.

Article 25

Information relating to the construction of artificial islands, the setting up of installations and structures, the establishment of safety zones around them and the total or partial removal of artificial islands, installations and structures shall be made known to the public in the official publications of the Hydrographic Bureau of the Polish Republic and in the "Notices to mariners" ["Ostrżezenia Nawigacyjne"].

Article 26

The laying and maintenance of submarine cables and pipelines in the internal waters and the territorial sea shall require an authorization from the director of the competent marine office.

Article 27

1. The laying and maintenance of submarine cables and pipelines in the exclusive economic zone shall be permitted if it does not interfere with the exercise of the rights of the Polish Republic and subject to the condition that the location and methods of maintenance must be coordinated with the Minister of Transport and Marine Economy, who shall render a decision in that sphere, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry.

2. The Minister of Transport and Marine Economy may rescind his consent if the conditions for the laying and maintenance of cables and pipelines have not been met.

Section 5
Scientific research

Article 28

Scientific research in Polish internal waters and the territorial sea may be carried out by foreign States and foreign natural or juridical persons, as well as by competent international organizations, after obtaining the consent of the Minister of Transport and Marine Economy.

Article 29

1. Scientific research in the Polish exclusive economic zone may be carried out by the States, persons and organizations referred to in article 28 after obtaining a consent from the Minister of Transport and Marine Economy. Applications for the issuance of the consent, containing information on the intended research and the programme therefor, must be submitted not later than six months before the expected starting date of the research.

2. The Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, shall refuse to issue a licence or shall revoke a licence if the scientific research threatens to pollute the environment. In the same manner, the Minister of Transport and Marine Economy may withhold its consent to the conduct of such research if the said research:

(1) Relates directly to the natural resources of the zone;

(2) Involves drilling into the seabed, the use of explosives or the introduction of harmful substances into the marine environment;

(3) Involves the construction or use of artificial islands, installations and structures.

Article 30

Foreign States and foreign natural and juridical persons, as well as competent international organizations, conducting scientific research in Polish maritime areas shall be required to:

(1) Ensure the participation of Polish representatives in the research, including their presence on board research vessels and at other installations;

(2) Inform the Minister of Transport and Marine Economy, at his request, of the results of the research;

(3) Enable the Minister of Transport and Marine Economy, at his request, to have access to all data and samples derived from the research;

(4) Inform the Minister of Transport and Marine Economy without delay of any major change in the research programme;

(5) Remove the scientific research installations and equipment without delay once the research is completed, unless a separate licence to leave them has been obtained.

Article 31

Polish natural or juridical persons may engage in scientific research in Polish maritime areas without a licence. The said persons shall inform the director of the competent marine office concerning the geographical areas and method to be used for the research 14 days before the research is begun and after the research is concluded.

Article 32

The Minister of Transport and Marine Economy shall require the cessation of any research in Polish maritime areas referred to in articles 28 and 29, or to revoke a licence issued on the basis of article 29, if the research is carried out in a manner not consistent with the provisions of the Act, or with special provisions established by the licence, or if the research has harmful consequences for the environment.

Section 6
Exploitation of mineral resources

Article 33

1. The right to the exploration, extraction and utilization of mineral resources in Polish maritime areas shall be held by the State.

2. The exploration, extraction and utilization of mineral resources referred to in paragraph 1 shall require a licence from the Minister of Environmental Protection, Natural Resources and Forestry, issued in agreement with the Minister of Transport and Marine Economy.

3. Foreign natural or juridical persons may participate in the exploration, extraction and utilization of mineral resources which are referred to in paragraph 2 if provision therefor is made by international treaties binding on the Polish Republic or if they are acting on the basis of the licences referred to in paragraph 2.

Article 34

The investigation, prospecting, exploration and extraction of mineral resources shall be subject, mutatis mutandis, to the regulations relating to geological research, the extraction and utilization of minerals and the regulations relating to the protection of the marine environment and the safety of navigation and life at sea.

Section 7
Tourism and water sports

Article 35

The exercise of tourism and water sports in Polish maritime areas may take place under such conditions and in such a manner as are consistent with the provisions of Polish law.

Section 8
The coastal area

Article 36

1. The coastal area is a land area adjacent to the sea-coast.

2. The coastal area shall include:

(1) The technical area constituted by the area which directly separates the sea and the land from each other; it is an area intended for keeping the coast in a condition consistent with the needs of safety and environmental protection;

(2) The protective area, which comprises the area in which human activity has a direct influence on the status of the technical area.

3. The coastal area shall run along the sea-coast.

4. The Council of Ministers shall, by means of an ordinance, define the boundaries and width of the technical area and the protective area.

Article 37

1. The technical area may be utilized for purposes other than those referred to in article 36, paragraph 2, subparagraph (1), with the consent of the competent authority of the marine administration, which shall at the same time define the conditions for such utilization.

2. The creation of hunting districts in the technical area is prohibited.

3. Authorizations [pozwolenia] under water law and decisions in matters relating to construction, to changes in afforestation, to the planting of trees and to the creation of hunting districts, as well as the formulation and execution of plans for bringing land into economic use in the protective area, shall require coordination with the director of the competent marine office.

4. All plans and projects related to the economic use of the technical area, the internal waters and the territorial sea shall be approved by the authorities of the marine administration in agreement with the competent coastal communities.

PART III
THE MARINE ADMINISTRATION

Section 1
Structure of the authorities of the marine administration

Article 38

The authorities of the marine administration are:

(1) The Minister of Transport and Marine Economy;

(2) The directors of the marine offices, as the local authorities of the marine administration.

Article 39

1. The director of a marine office shall be subordinate to the Minister of Transport and Marine Economy.

2. The director of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy. The deputy directors of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy at the request of the director of the marine office.

3. The director of a marine office shall exercise his functions with the assistance of the marine office.

4. The composition of the marine offices shall include, in particular, the marine inspectorate, the harbour-master offices [kapitanaty] of large ports and the boatswain offices [bosmanaty] of small ports.

Article 40

1. Marine offices shall be created and abolished by the Minister of Transport and Marine Economy by means of ordinances.

2. The Minister of Transport and Marine Economy, after obtaining the opinion of the competent provincial governors, shall, by means of ordinances, define the territorial sphere of activity of the directors of marine offices and the headquarters of the offices.

3. The organization of a marine office and the detailed sphere of activity of the director of a marine office shall be defined by a statute issued by the Minister of Transport and Marine Economy.

Article 41

1. Staff members of specified categories employed by the authorities of the marine administration shall wear their service uniforms during the exercise of their functions.

2. The Minister of Transport and Marine Economy shall, by means of an ordinance, define the categories of staff members required to wear uniforms, the manner of their assignment and the pattern of the said uniforms.

Section 2
Extent of jurisdiction and territorial scope of application

Article 42

1. The authorities of the marine administration shall deal with matters in the sphere of governmental administration which are related to the utilization of the sea within the scope governed by this Act and other Acts.

2. In particular, the authorities of the marine administration shall deal with matters relating to:

(1) The safety of marine navigation;

(2) The utilization of maritime routes and of large and small seaports;

(3) The conduct of marine fishing and the exploitation of other living resources of marine waters;

(4) Safety relating to the investigation, exploration and exploitation of the mineral resources of the seabed;

(5) The protection of the marine environment against pollution resulting from the utilization of the sea and pollution resulting from the dumping of wastes and other substances;

(6) The saving of lives, the conduct of underwater work and the extraction of resources from the sea;

(7) Technical supervision by specialists;

(8) Technical and construction surveillance;

(9) The protection of large and small seaports against fire;

(10) The coordination of decisions in matters involving the issuance of authorizations under water law and the issuance of construction authorizations in the technical area, large and small seaports, the internal waters and the territorial sea, as well as all other decisions relating to the economic use of the said area, unless otherwise provided by a separate regulation;

(11) The construction, preservation and protection of coastal fortifications, dunes and protective afforestations in the technical area.

3. The authorities of the marine administration shall also carry out assignments in the field of international cooperation in the sphere of the matters referred to in paragraphs 1 and 2.

4. The rendering of decisions in the matters referred to in paragraph 2, subparagraphs (10) and (11), shall take place after the opinion of the competent authority of the territorial autonomous government has been obtained.

Article 43

In matters which relate to the jurisdiction of authorities of the marine administration and which are decided in the course of an administrative proceeding, the decision at first instance shall be rendered by the directors of the marine offices, unless by virtue of a special regulation the competent organ at first instance is the Ministry of Transport and Marine Economy.

Article 44

1. The authorities of the marine administration shall act in Polish maritime areas, in large and small seaports and in the technical area, unless otherwise provided by a special regulation.

2. The authorities of the marine administration shall also be competent to perform on the open sea tasks defined by international treaties and by Polish law.

Article 45

1. Subject to the provisions of article 5, paragraph 4, the boundaries of seaports on the sea side and those of their roadsteads, with the exception of military ports, shall be defined by the Minister of Transport and Marine Economy, in agreement with the ministers concerned. The boundaries of ports on the land side shall be defined by the Minister of Transport and Marine Economy, after obtaining the opinion of the competent community councils.

2. The directors of the marine offices, after obtaining the opinion of the competent community councils and the authorities responsible for the defence of the State frontier, shall define the boundaries of small seaports.

3. The Minister of National Defence, in coordination with the Minister of Transport and Marine Economy, shall define the boundaries of military ports.

Article 46

The Minister of Transport and Marine Economy, in agreement with the Ministers of National Defence and of the Interior, shall define the cooperation of marine offices with the Navy and the Frontier Guard Service in the sphere referred to in article 42.

Section 3
Regulations issued by the local authorities of the marine administration

Article 47

1. The directors of the marine offices shall issue legal regulations on the basis of the powers conferred upon them in legislative acts.

2. Subject to article 48, the regulations referred to in paragraph 1 shall be issued in the form of orders [zarządzenia].

3. An order issued by the director of a marine office must be proclaimed in the provincial official gazette which is competent from the standpoint of the territorial sphere of application of the said order.

4. An order issued by the director of a marine office shall enter into force after the expiry of 14 days from the date of its proclamation [ogoszenie], unless it provides for a different period or unless such a period follows from the Act on the basis of which it was issued.

Article 48

1. In any sphere not standardized by regulations, if this is necessary for the protection of life, health or property at sea or for the protection of the marine environment, the director of the marine office may establish ordinary regulations [przepisy porządkowe] containing prohibitions or commands concerning the behaviour referred to.

2. The ordinary regulations referred to in paragraph 1 shall be formulated in the form of an ordinary order [zarządzenie porządkowe].

3. The scope of application of an ordinary order shall be stated therein.

4. An ordinary order shall enter into force on the date defined therein, but not later than the date of its proclamation, in the manner defined in paragraph 5 or 6.

5. An ordinary order shall be subject to proclamation in the provincial official gazette competent with respect to the territorial scope of application of the said order.

6. Where it becomes necessary that an ordinary order should enter into force immediately, it may be published [publikowane] by means of notices at its places of enforcement, by means of radio broadcasts or in any customary manner commonly accepted in marine navigation or in the locality concerned. The date on which an ordinary order is so published shall be deemed to be the date of its proclamation.

7. An ordinary order proclaimed in the manner defined in paragraph 6 shall thereafter be published [podane do wiadomości] in the competent provincial official gazette.

Section 4
Exercise of supervision

Article 49

Supervision over compliance with the provisions of the Act shall be exercised by the authorities of the local marine administration.

Article 50

1. The marine inspectorate, carrying out in Polish maritime areas the tasks referred to in article 42, shall have the right:

(1) To verify whether ships are entitled to pursue the activities they are engaged in and whether they possess the licences provided for under law;

(2) To verify whether navigation, fishing or any other activity is being carried out in accordance with the provisions of Polish law which are in force and with international treaties;

(3) To discover any pollution of the marine environment caused by activities at sea and to discover the persons responsible therefor.

2. The marine inspectorate shall exercise the rights referred to in paragraph 1 in collaboration with the Frontier Guard Service, making use of its forces and means.

3. If there is no inspector of the marine inspectorate present on board a water-borne unit of the Frontier Guard Service, the said Service may of its own accord exercise the rights referred to in paragraph 1 on behalf of the local authority of the marine administration.

4. The transfer to the Frontier Guard Service of means owned by the marine offices for the exercise of the rights referred to in paragraph 1 shall take place by agreement between the Ministers of Transport and Marine Economy and of the Interior.

5. In the cases referred to in paragraph 3, the rights of the inspector of the marine inspectorate which are referred to in article 51 and in article 52, paragraph 1, shall be held, mutatis mutandis, by the commanders of the water-borne units of the Frontier Guard Service.

Article 51

While performing his service functions, an inspector of the marine inspectorate, hereinafter referred to as "an inspector", shall be entitled:

(1) To examine the documents granting entitlement to marine fishing or any other activity in Polish maritime areas;

(2) To examine the fishing gear and the fish on the deck, in the processing rooms and in the holds of a ship;

(3) To secure abandoned fish and articles used for fishing;

(4) To demand explanations and to carry out the activities necessary for conducting the examination, and in cases in which there is a well-founded suspicion that the Act or the regulations issued on the basis of the Act are being or have been violated:

(a) To retain the documents referred to in subparagraph 1;

(b) To seize fish and articles used for catching fish and to secure them;

(c) To examine the compartments on board a vessel from which fishing or any other activity exploiting Polish maritime areas is being or has been carried on.

Article 52

1. If there arises a well-founded suspicion that the provisions of the Act are being or have been violated, the inspector may examine a foreign ship found in Polish maritime areas and compel it to enter a designated port, using all necessary means.

2. If a foreign ship is stopped and brought to a Polish port, the local authority of the marine administration shall notify that fact without delay to the competent authority of the flag State of the ship.

3. Examination in the sphere of protection of the marine environment against pollution from vessels shall be regulated by a separate Act.

Article 53

1. The master of a ship found in Polish maritime areas shall be required, upon a signal given from a water-borne unit of the Frontier Guard Service, to stop the ship and make it possible to conduct inspection activities.

2. An inspector shall have the right to be present on board any ship carrying on any activity in Polish maritime areas.

3. While an inspector is present on board a ship, the commander of the said ship must enable him to carry out his verification of compliance with the regulations in force and his observation of the activities being carried on and must, in particular:

(1) Provide any necessary explanations;

(2) Present for examination the documents demanded, together with the ship's log;

(3) Enable the inspector to view the fish that have been caught and the fishing gear, the equipment used for research and the samples taken in the course of the research and the analyses carried out;

(4) Enable the inspector to make entries in the ship's log;

(5) Enable the inspector to use means of communication and provide him with assistance in the sending and receiving of messages;

(6) Provide all other assistance necessary for carrying out the examination in accordance with regulations;

(7) Provide the necessary quarters and food in the event of a prolonged stay on board the ship.

Article 54

While performing his service functions, an inspector shall be required to wear his uniform and inspection insignia.

PART IV
FINES

Article 55

1. A shipowner from whose ship, during its stay in Polish maritime areas, the following activities are carried out in violation of the provisions of this Act and other Acts and of regulations issued on the basis thereof:

(1) Exploitation of the mineral resources or living resources of the sea;

(2) Pollution of the marine environment;

(3) Scientific research pertaining to the sea and the seabed;

(4) The construction of artificial islands, installations and structures;

(5) The laying of submarine cables and pipelines,

shall be punishable by a fine equivalent to not more than $1 million units of account known as "Special Drawing Rights" (SDR), defined by the International Monetary Fund.

2. A person who violates the regulations relating to the exploitation of artificial islands, structures, installations, submarine cables and pipelines shall be subject to the same penalty.

Article 56

A person who:

(1) Stops or anchors a ship outside of the location designated therefor;

(2) Navigates a ship outside of navigation routes or fails to follow the course designated by a competent authority;

(3) Navigates a vessel into a zone which is closed to navigation and fishing and leaves fishing gear in that zone;

(4) Navigates a ship out of a port in spite of a received prohibition;

(5) Loads or unloads goods from a ship at a location not designated therefor;

(6) Establishes contact with the shore which causes danger to the safety of navigation;

(7) Leaves a ship in an unauthorized location;

(8) Takes persons on board a ship or sets persons down from a ship in violation of customs, fiscal, immigration or health regulations;

(9) Violates a regulation issued on the basis of articles 47 and 48;

(10) Does not comply with the commands referred to in article 52, paragraph 1;

(11) Damages coastal fortifications or dunes or protective afforestations or in any other manner violates the principles of behaviour in the technical area;

(12) Damages or removes navigational signs or uses them in a manner not consistent with their purpose;

(13) Sets in motion equipment which impairs the effectiveness of the navigational sign system,

shall be subject to a fine not exceeding ten times the average monthly remuneration in nationalized industry for the preceding year proclaimed by the Chairman of the Central Statistical Office.

Article 57

1. The fines referred to in articles 55 and 56 shall be imposed by the director of the marine office in the form of administrative decisions.

2. Appeals against the decisions referred to in paragraph 1 may be lodged with the Minister of Transport and Marine Economy.

3. The decisions referred to in paragraph 1 shall be immediately executable.

Article 58

1. No fine may be imposed if five years have elapsed since the date on which the deed in question was committed.

2. A fine which has been imposed shall not be collected after the expiry of five years from the date on which the final decision to impose the fine was taken.

Article 59

1. In order to guarantee the levy of the fine, the director of the marine office may require the offender to provide security, and in the event of refusal, he shall apply to an enforcement authority for seizure of the ship or other articles with the aid of which the violation of regulations was committed.

2. Pending the issuance of an order for seizure of the ship, the director of the marine office shall make arrangements for the detention of the ship, but not longer than for 48 hours.

3. The guarantee of the levy of the fine shall consist in the payment of the amount established by the authority conducting the proceedings into that authority's deposit account or in the provision of a bank guarantee by a bank or insurance institution which has its head office in Poland.

4. Fines imposed on the basis of articles 55 and 56 which have not been paid within the designated period shall be subject, together with the interest for the period of the delay, to collection in the manner defined in the regulations for enforcement proceedings in the administration.

Article 60

Amounts collected as fines shall remain at the disposal of the Minister of Transport and Marine Economy and shall be devoted to the protection of the marine environment and the living resources of the sea.

PART V
AMENDMENTS TO REGULATIONS CURRENTLY IN FORCE

Article 61

In the Act of 21 May 1963 concerning marine fishing (Dziennik Ustaw No. 22, item 115; 1970, No. 3, item 14; and 1977, No. 37, item 163), section 7 is deleted.

Article 62

The following amendments are made to the Code of Procedure in Matters concerning Infractions [wykroczenia]:

(1) In the title of part XIII, the words "morskiej i" ["marine and"] are deleted;

(2) In article 43:

(a) In paragraph 1, the words "urzędach morskich i" ["marine offices and"] are deleted;

(b) Paragraph 2 is amended to read as follows:

"Paragraph 2. The authorities acting at first instance shall be the boards [kolegia] of district mining offices and mining offices of equal rank, and the authority acting at second instance shall be the board of the Higher Mining Office.";

(3) In article 144, paragraph 2 is deleted;

(4) In article 145, the words "urzędu morskiego i" ["marine office and"] are deleted;

(5) Article 146 is deleted;

(6) In article 147, paragraph 1 and the designation "Paragraph 2" are deleted;

(7) Article 148 is deleted;

(8) In article 149, the words "administracji morskiej i" ["marine administration and"] are deleted;

(9) In article 150:

(a) In paragraph 1, the words "przy Ministrze Żeglugi oraz" ["with the Minister of Navigation and"] are deleted;

(b) In paragraph 2, the words "odpowiedino Minister Żeglugi oraz" ["respectively, the Minister of Navigation and"] are deleted;

(10) In article 151:

(a) Paragraph 1 is amended to read as follows:

"Paragraph 1. Higher supervision over the activities of the boards of the mining offices shall be exercised by the Chairman of the Higher Mining Office."

(b) In paragraph 2, the words "Minister Żeglugi i" ["Minister of Navigation and"] are deleted, and the word "mogą" [may (plural verb)] is replaced by the word "może" [may (singular verb)].

Article 63

In the Act of 20 May 1971 concerning the composition of boards in matters involving infractions (Dziennik Ustaw No. 12, item 118; 1972, No. 49, item 312; 1974, No. 24, item 142; 1975, No. 16, item 91; 1982, No. 45, item 291; 1989, No. 35, item 192; and 1990, No. 43, item 251), in article 2, paragraph 1, subparagraphs (2) and (5) are deleted.

Article 64

In the Act of 24 November 1974 - Water Law (Dziennik Ustaw No. 38, item 230; 1980, No. 3, item 6; 1983, No. 44, item 201; 1989, No. 26, item 139, and No. 35, item 192; and 1990, No. 34, item 198, and No. 39, item 232), in article 55, paragraph 2, item 7 is amended to read as follows:

> "(7) The accumulation of liquid and solid wastes in the technical area and in seaports - in coordination with the director of the competent marine office,".

Article 65

In the Act of 17 December 1977 concerning the Polish marine fishery zone (Dziennik Ustaw No. 37, item 163), article 1, article 2, paragraphs 1 and 2, and articles 3 to 9 are deleted.

PART VI
TRANSITIONAL AND FINAL PROVISIONS

Article 66

Matters pertaining to infractions which are brought before the infraction boards of the marine offices and have not been completed by the date of entry into force of the Act shall, until such time as they have been concluded with legal force, be dealt with by those boards in accordance with the provisions in force up to the present time.

Article 67

1. The treaties referred to in article 16, paragraph 1, are:

(1) Treaty between the Polish People's Republic and the Union of Soviet Socialist Republics concerning the Delimitation of the Territorial Sea (Territorial Waters), the Economic Zone, the Marine Fishery Zone and the Continental Shelf in the Baltic Sea, signed at Moscow on 17 July 1985 (Dziennik Ustaw, 1986, No. 16, item 85);

(2) Treaty concerning the Delimitation of the Continental Shelf and the Fishery Zones between the Polish People's Republic and the Kingdom of Sweden, concluded at Warsaw on 10 February 1989 (Dziennik Ustaw No. 54, item 323);

(3) Treaty between the Polish People's Republic and the German Democratic Republic concerning the Delimitation of Marine Areas in the Bay of Pomerania, signed at Berlin on 22 May 1989 (Dziennik Ustaw No. 43, item 233).

2. Pending the conclusion of a treaty on the delimitation of maritime areas between the Polish Republic and the Kingdom of Denmark, article 2, paragraphs 3 and 4, of the Act of 17 December 1977 concerning the Polish marine fishery zone (Dziennik Ustaw No. 37, item 163) shall remain in force, subject to the condition that the term "Polish marine fishery zone" shall be understood to mean the Polish exclusive economic zone.

Article 68

The directors of the marine offices shall establish and publish, in the form of notices, in the competent provincial official gazettes, within a period of six months from the date of entry into force of the Act, lists of legal regulations which were issued before the date of entry into force of the Act and are universally binding in the areas of their validity. Regulations not included in a list shall cease to have effect.

Article 69

Pending the issuance of the enforcement regulations provided for in the Act, the regulations in force up to the present time shall, unless contrary to it, remain in force.

Article 70

The following shall cease to have effect:

(1) The decree of 2 February 1955 concerning the local authorities of the marine administration (Dziennik Ustaw No. 6, item 35; 1961, No. 6, item 42; 1971, No. 12, item 117; and 1989, No. 35, item 192);

(2) The Act of 17 December 1977 concerning the territorial sea of the Polish People's Republic (Dziennik Ustaw No. 37, item 162);

(3) The Act of 17 December 1977 concerning the continental shelf of the Polish People's Republic (Dziennik Ustaw No. 37, item 164, and 1989, No. 35, item 192).

Article 71

The Act shall enter into force on 1 July 1991.

L. Walesa
President of the Polish Republic

B. Treaties

Bilateral treaties

Framework Agreement between the Government of Peru and the Government of Bolivia on the "Grand Marshal Andrés de Santa Cruz" Binational Project for Friendship, Cooperation and Integration

[Original: Spanish]

The President of the Republic of Peru and the President of the Republic of Bolivia,

Considering the special ties which have existed between Peru and Bolivia since their establishment as independent Republics,

Desiring to make the frontier region between Peru and Bolivia one of the pivotal areas of South American integration,

Having resolved to continue to improve integration and complementarity between the two countries,

Convinced of the need to work out guidelines for this process, which they have decided to refer to as the "Framework agreement between Peru and Bolivia on the "Grand Marshal Andrés de Santa Cruz" binational project for integration,

Have agreed as follows:

Article 1

To implement the various agreements constituting the "Grand Marshal Andrés de Santa Cruz" project for friendship, integration, complementarity and development;

Article 2

That Peru shall grant the free use of its port facilities and shall develop an industrial and a beach resort free zone at the port of Ilo;

Article 3

That within 12 months from the date on which this Agreement is signed, the ad hoc Joint Commission shall convene to assess this cooperation process and to plan the next steps so as to continue to promote Peruvian-Bolivian integration;

Article 4

That the two countries shall mutually recognize the right of free transit of persons, which shall be governed by a specific agreement;

Article 5

That in the context of this Framework Agreement, the two Presidents have instructed their respective Ministers for Foreign Affairs to sign the following Agreements on this date:

(a) Agreement between the Government of the Republic of Peru and the Government of the Republic of Bolivia concerning the participation of Bolivian enterprises in the Ilo industrial free zone;

(b) Agreement between the Government of the Republic of Peru and the Government of the Republic of Bolivia concerning the Ilo beach resort free zone;

(c) Agreement between the Government of the Republic of Peru and the Government of the Republic of Bolivia concerning facilities for the transit of persons between the territories of Peru and Bolivia;

(d) *Agreement between the Minister for Foreign Affairs of Peru and the Minister for Foreign Affairs and Worship of Bolivia concerning the establishment of the Binational Commission for the Bicentenary of the Birth of Grand Marshal Andrés de Santa Cruz;

(e) *Agreement between the Minister for Foreign Affairs of Peru and the Minister for Foreign Affairs and Worship of Bolivia concerning the establishment of a binational technical commission for a complementarity programme between Peruvian and Bolivian fishing enterprises.

Article 6

This Agreement shall enter into force from the date on which the Parties notify each other through the diplomatic channel of the completion of their respective legal requirements for ratification.

IN WITNESS WHEREOF, the President of the Republic of Peru and the President of the Republic of Bolivia have signed this Framework Agreement at Ilo, Peru, on 24 January 1992, in duplicate in the Spanish language, both texts being equally authentic.

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* The agreements referred to in article 5 (d) and (e) have not yet been communicated to the Division for Ocean Affairs and the Law of the Sea.

Agreement between the Government of Peru and the Government of Bolivia concerning the Participation of Bolivian Enterprises in the Ilo Industrial Free Zone

The Government of the Republic of Peru and the Government of the Republic of Bolivia,

Bearing in mind the Agreement adopted by Peru and Bolivia on 27 May 1991,

Considering that the development of the South American region requires the linking of the Pacific and Atlantic watersheds and access thereto by land-locked countries;

Also considering that the achievement of this objective of subregional integration requires practical actions that demonstrate Latin American solidarity,

Convinced of the need to promote investment, industrial development and bilateral trade through a common and dynamic process of integration,

Aware that an industrial free zone for Bolivian enterprises at Ilo will contribute to the socio-economic progress of both countries,

Have agreed to conclude this Agreement.

Article 1

The Government of Peru and the Government of Bolivia have agreed that the latter shall designate a development enterprise to participate in the Ilo industrial free zone within the framework of the provisions of Legislative Decree No. 704, which governs the functioning of that zone.

Article 2

Accordingly, the Government of Bolivia shall facilitate the establishment of a development enterprise in which Bolivian individuals and/or public and/or private corporations shall have majority interest, to which the Board of Directors of the Ilo industrial free zone shall transfer the administration of an area to be agreed upon within that zone for a period of 50 years, renewable for identical periods by mutual agreement between the Parties, subject to the conclusion of the respective contract.

Article 3

The functions and powers to be assumed by the development enterprise under the above-mentioned transfer contract shall be exercised solely in a clearly demarcated area allocated to it within the borders of the free zone and which shall be transferred to it in accordance with Legislative Decree No. 704.

Article 4

The development enterprise, in which Bolivian corporations or individuals shall have a majority interest, may adopt any form of incorporation, including that of the Andean multinational enterprise, and shall be required, in order to initiate its operations, to register in the Peruvian register.

Article 5

For the final determination of the area, which may be approximately 163.5 hectares, the use of which is to be granted by the Board of Directors of the Ilo industrial free zone, reference shall be the results of the feasibility study to be carried out in implementation of the Agreement adopted by the two countries on 27 May 1991.

Article 6

Prior to the completion of that study, the Board of Directors shall transfer to the development enterprise the land areas required for the start-up of the administrative and development activities of the above-mentioned industrial free zone.

Article 7

The development enterprise may use said land areas solely for the purposes and objectives of the industrial free zone; the contract to be concluded does not imply the transfer of ownership of said areas to the development enterprise.

Article 8

The rules governing taxes, customs, labour practices, exchange rates and foreign trade to be applied in the Ilo industrial free zone shall be those established by the legal provisions in force, especially Legislative Decree No. 704, and other complementary and related regulations issued by the Peruvian Government.

Article 9

The investments made in the area of the Ilo industrial free zone which is transferred to the Bolivian development enterprise shall be protected by the guarantees provided in Legislative Decree No. 662 for foreign investment.

Article 10

In the area transferred to the development enterprise in accordance with article 2, the import of goods and/or their re-export to Bolivia only or to third countries shall be permitted free of all duties and taxes.

Article 11

The Government of Peru shall grant maximum facilities to Bolivia under special rules to use the port of Ilo, both for its import-export operations and in order to support the development of the Ilo industrial free zone. To that end, the port shall have the infrastructure and equipment necessary to facilitate its development under competitive conditions.

For purposes of improving the infrastructure and equipment of the port of Ilo, the Government of Bolivia shall assist Peru in obtaining the financing it may require from multilateral or commercial credit institutions. For its part, the Government of Peru shall make available the areas required for building the infrastructure enabling Bolivia to use such port facilities as sheds and locked and open warehouses.

Article 12

The two Governments agree to promote and develop the measures they have taken to facilitate the transit of persons, vehicles and goods across their respective territories via various roads and highways, both those now fit for use and those which will be rendered usable in future as free transit routes, including multimodal transport systems.

Article 13

The Government of Bolivia shall, in accordance with its legislation, grant to the Government of Peru facilities in the Puerto Suarez area similar to those granted by Peru in the port of Ilo pursuant to article 11 of this Agreement.

To that end, the Government of Bolivia agrees to take the measures necessary to give effect to the provision stated in the foregoing paragraph.

Article 14

With a view to improving the use of the existing transport infrastructure between the two countries, including the Matarani-La Paz railway-lake corridor and the Santa Cruz-Puerto Suarez railway, the Government of Peru and the Government of Bolivia shall grant to each other similar facilities for the operation of intermodal and/or multimodal transport systems between their countries and for the carriage of freight from third countries transiting through their respective territories.

Article 15

The Government of Bolivia shall grant to the Government of Peru the same benefits as those granted to it under this Agreement.

Article 16

The two Governments shall conclude any complementary agreements which may be required for the effective implementation of this Agreement.

Article 17

This Agreement shall enter into force when the Parties have notified each other through an exchange of diplomatic notes of the completion of their respective constitutional requirements and procedures.

IN WITNESS WHEREOF, the Minister for Foreign Affairs of the Republic of Peru and the Minister for Foreign Affairs and Worship of the Republic of Bolivia have signed this Agreement at Ilo, Peru, on 24 January 1992, in duplicate in the Spanish language, both texts being equally authentic.

Agreement between the Government of Peru and the Government of Bolivia concerning the Participation of Bolivia in the Ilo Beach Resort Free Zone

The Government of the Republic of Peru and the Government of the Republic of Bolivia,

Mindful that tourism constitutes an effective means of improving understanding between peoples and that it is the most effective path to integration,

Considering that the participation of Bolivia in the Ilo beach resort free zone will contribute to the efffortsbeing made by the two countries to promote Peruvian-Bolivian integration,

Have agreed to conclude this Agreement.

Article 1

The Government of Peru, within the framework of the provisions of Legislative Decree No. 704, has agreed to the participation of the Republic of Bolivia, under the terms of this Agreement, in a beach resort free zone on the Ilo coast, encompassing a strip five kilometres long, to be known, for purposes of tourism, as "Playa Boliviamar".

Article 2

To that end, the Government of Bolivia shall facilitate the establishment of a development enterprise in which Bolivian individuals and/or public and/or private corporations shall have the majority interest, to which the Board of Directors of the Ilo beach resort free zone shall transfer administrative powers over the free zone referred to in article 1 of this Agreement, subject to the conclusion of the respective contract.

The functions and powers to be assumed by the development enterprise under the above-mentioned transfer contract shall be exercised solely in a clearly demarcated area allocated to it in the area to be transferred to it in accordance with the existing legislation.

The development enterprise, in which Bolivian corporations or individuals shall have the majority interest, may adopt any form of incorporation, including that of an Andean multinational enterprise, and shall be required, for purposes of initiating its operations, to register in the appropriate Peruvian register.

Article 3

The rules governing taxes, customs, labour practices, exchange rates and foreign trade to be applied in the Ilo beach resort free zone shall be those established by the legal provisions in force, especially the provisions of Legislative Decree No. 704 relating to free zones, and other complementary and related regulations issued by the Peruvian Government.

Article 4

The investments made in the area of the Ilo beach resort free zone which is transferred to the Bolivian development enterprise shall be protected by the guarantees provided in Legislative Decree No. 662 for foreign investment.

Article 5

The two Governments shall conclude any complementary agreements which may be required in future for the effective implementation of this Agreement.

Article 6

This Agreement shall enter into force when the Parties have notified each other through an exchange of diplomatic notes of the completion of their respective constitutional requirements and procedures.

IN WITNESS WHEREOF, the Minister for Foreign Affairs of the Republic of Peru and the Minister for Foreign Affairs and Worship of the Republic of Bolivia have signed this Agreement at Ilo, Peru, on 24 January 1992, in duplicate in the Spanish language, both texts being equally authentic.

Agreement between the Government of the Republic of Peru and the Government of the Republic of Bolivia concerning Facilities for the Transit of Persons between the Territories of the Two Countries

The Government of the Republic of Peru and the Government of the Republic of Bolivia, desiring to strengthen the traditional bonds of friendship between their peoples, and mindful of the need for flexible rules governing the transit of persons between the territories of the two countries,

Have agreed to conclude this Agreement.

Article 1

The transit of Peruvian and Bolivian nationals between the two Republics shall be governed by the provisions of this Agreement.

Article 2

The Parties agree to recognize, as travel documents authorizing their nationals and resident aliens to transit through and remain freely in their territories for a period of up to 60 days, renewable for not more than 30 additional days, in respect of Peru: the transit and tourism card, the national identity document/voter registration booklet for those over 18 years of age, the military service card or booklet for those from 16 to 18 years of age, and the birth certificate for minors; and, in respect of Bolivia: the identity card issued to Bolivian nationals or the alien registration card issued to aliens in their respective countries in accordance with domestic legislation. The transit and tourism card established under this Agreement shall have a uniform format for the two countries and shall be issued free of charge.

Article 3

The transit referred to in article 1 shall take place at the following crossing-points: in the Puno subregion, Desaguadero, Kasani, Ninantaya, Tilali, Puerto Puno and Puerto Jali; in the Madre de Dios subregion, Iapari, Alerta and Puerto Pardo; in the Tacna subregion, on the Peruvian side, Collpa; in the Department of La Paz, Desaguadero, Kasani, Puerto Acosta, Puerto Guaqui; in the Department of Pando, on the Bolivian side, Bolpebra, Puerto Heath.

Entry or exit by air or sea shall be checked by frontier controls at the respective airports or seaports equipped for that purpose within the scope of this Agreement.

Article 4

The transit and tourism card shall be issued by the Department of Immigration and Naturalization of the Peruvian Ministry of the Interior, and by the Department of Immigration of the Bolivian Ministry of the Interior, Immigration, Justice and Social Defence.

The immigration authorities of each country shall be responsible for ensuring the prompt introduction and use of the above-mentioned transit and tourism card.

Article 5

The transit and tourism card issued to the nationals of each country shall be valid for three months and for a single entry.

Article 6

Under this Agreement, the transit of minors shall be subject to compliance by each country with the relevant legislation in force.

Article 7

This Agreement does not authorize the holder of a transit and tourism card to engage in any type of activity, profession or permanent occupation for profit, or to establish residence in the other country.

Article 8

Under this Agreement, the quantity and nature of the articles constituting the baggage carried by persons transiting from one country to the other shall be subject to the legislation in force in each country.

Article 9

The competent authorities of each country reserve the right to deny entry to, and to return to their country of origin, any persons who do not fulfil the legal requirements, or who are prohibited from leaving the national territory of either Party under the laws in force in the country.

Article 10

Anyone who violates the provisions of articles 3 and 6 above shall be subject to the application of the Aliens Act by the receiving country.

Article 11

If either Party deems it necessary to suspend the application of this Agreement for a specific period, it shall so notify the other Party by diplomatic note.

Article 12

The immigration authorities of the two countries shall meet once a year to evaluate the implementation of this Agreement and to suggest any amendments thereto that they may deem necessary.

Article 13

This Agreement shall apply, during the 12 months following the date on which it is signed, to nationals of the two countries and resident aliens in the following frontier areas:

On the Peruvian side, the frontier provinces of Tambopata and Tahuaman in the Madre de Dios subregion of the "Inca" region, and the Puno and Moquegua subregions of the José Carlos Mariategui region.

On the Bolivian side, the frontier provinces of Iturralde, Franz Tamayo, Saavedra, Camacho, Manco Kapac, Ingavi, José Manuel Pando, Muecas, Omasuyos and Pacajes in the Department of La Paz, and Nicolas Suarez and Manurip in the Department of Pando.

Article 14

After the 12 months referred to in the foregoing article have elapsed, the Parties shall consider the possibility of extending this Agreement to cover all their nationals.

Article 15

This Agreement shall enter into force as from the date on which the Parties notify each other through the diplomatic channel that they have met their legal requirements for ratification.

IN WITNESS WHEREOF, the Minister for Foreign Affairs of the Republic of Peru and the Minister for Foreign Affairs and Worship of the Republic of Bolivia have signed this Agreement at Ilo, Peru, on 24 January 1992, in duplicate in the Spanish language, both texts being equally authentic.

Letter dated 3 February 1992 from the Minister for Foreign Affairs and Worship of Bolivia addressed to the Secretary-General [1]

[Original: Spanish]

I have the honour to address you and thus initiate the epistolary contact between the Permanent Mission of Bolivia to the United Nations and you, who have recently taken up your functions as Secretary-General of our Organization. The occasion is therefore doubly welcome. My purpose in writing is to bring to your attention and, through you, to that of the Members of the United Nations, the great satisfaction felt in my country at the signing of a binational project of friendship, cooperation and integration agreed to by the Presidents of Peru and Bolivia, Mr. Alberto Fujimori and Mr. Jaime Paz Zamora, and consisting of six agreements signed on 24 January 1992 in Ilo, Peru, by the Foreign Ministers of the two countries.

Such a significant event was a cause of joy among the people in Bolivia, which was echoed by the honourable representatives to the Senate and Chamber of Deputies, both of which issued statements extolling such memorable action for integration and instructed this Mission to make public their gratitude for the "noble gesture made before the world by the President of Peru, Alberto Fujimori". Going beyond traditional rhetoric, he and the President of Bolivia, Jaime Paz Zamora, together moved into the camp of "creative and imaginative realism" by putting into effect "their political and historical will, rooted in profoundly Latin American values".

Accordingly, I request that you have this letter circulated as a document of the General Assembly at its forty-seventh session under the item entitled "Law of the Sea", for the information of all Members of our Organization.

(Signed) Carlos ITURRALDE BALLIVIAN
Minister for Foreign Affairs and Worship

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[1] See General Assembly document A/47/90 of 13 February 1992.

Peru offers land-locked Bolivia "corridor" to port [1]

Land-locked Bolivia's 113-year-old dream of an exit to the Pacific is set to become reality today when Bolivian and Peruvian presidents Jaime Paz Zamora and Alberto Fujimori meet in the southern Peruvian port of Ilo to sign a bilateral agreement.

Peru's President Alberto Fujimori has made an offer of free transit for Bolivian products through a "corridor" leading to Ilo from the Bolivian frontier town of Desaguadero. Under Mr. Fujimori's proposal, Bolivia would be permitted to import and export via Ilo with no customs formalities; Ilo would become a free zone with full industrial and commercial facilities; and Bolivians could even purchase their own seaside residences in a new tourist resort on Peruvian soil.

The Peruvian proposal has been enthusiastically greeted in Bolivia, which has been land-locked since it lost territory to Chile in the 1879 War of the Pacific.

In return for the concessions, Peru would gain access to the Atlantic, via the network of roads and railways which link Desaguadero to the Bolivian capital, La Paz, and thence to Brazil, Paraguay and northern Argentina. Ilo, which is less than 300 miles from La Paz, hopes to lure lucrative Bolivian trade away from the northern Chilean port of Arica.

President Fujimori's plan gives priority to Ilo as the principal port for Peruvian and Bolivian (and ultimately Brazilian) exports to the Pacific Rim countries. It is a deep-water port with good basic infrastructure but will require substantial investment.

The Bolivian President called the meeting one of "transcendental importance". "This is a signal to the rest of the continent," he said, "that there's a new way of managing affairs."

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[1] See Financial Times (London), 24 January 1992, p. 3.

III. OTHER INFORMATION

A. Convention on the Territorial Sea and the Contiguous Zone. Done at Geneva on 29 April 1958

Accession by Lithuania

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

The Secretary-General of the United Nations, acting his capacity as depositary, communicates the following:

On 31 January 1992, the instrument of accession by the Government of Lithuania to the above-mentioned Convention was deposited with the Secretary-General.

The instrument contains the following declaration:

> [Original: English]
>
> "In acceding to the Geneva Convention on the Territorial Sea and the Contiguous Zone the Government of the Republic of Lithuania declares the establishing of the procedure for the authorization of the passage of foreign warships through its territorial waters for the warships of those States which have established the procedure for the authorization of the passage of foreign warships through its territorial waters".

In accordance with its article 29 (2), the Convention entered into force for Lithuania on the thirtieth day after the date of deposit of the instrument, i.e., on 1 March 1992.

B. Letter dated 19 March 1992 from the Permanent Mission of Belgium to the United Nations addressed to the Secretariat of the United Nations

The Permanent Mission of the Kingdom of Belgium to the United Nations presents its compliments to the Secretariat of the Organization and has the honour to refer to the collection of National Legislation on the Continental Shelf which was published in 1989 by the Office for Ocean Affairs and the Law of the Sea. 1/

The Permanent Mission of Belgium would be grateful if the Secretariat would amend the following data regarding Belgian legislation on the continental shelf, in both the French and the English versions.

Taking the English version as a reference, it should be noted:

1. In part II, on page 48, the Royal Decree referred to was dated 16 May 1977 and not 16 May 1974. The Royal Decree of 16 May 1977 has not to date been amended. The phrase "as amended by the Royal Decree of 22 April 1983" should therefore be deleted.

2. In part III, on page 50, the Royal Decree of 7 October 1974 was amended by the Decree of 22 April 1983, on page 54. This should therefore be mentioned in the title, and the amendment should be incorporated into the text itself.

3. Accordingly, part IV, on page 54, could be deleted.

4. The same errors appear in the French text, with the exception of the date of the Royal Decree in part II, which is correct.

1/ The Law of the Sea: National Legislation on the Continental Shelf (United Nations publication, Sales No. E.89.V.5).
